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Meeting of States Parties

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Annual report of the International Tribunal for the Law of the Sea for 2013

Contents

		Page
I.	Introduction	4
II.	Organization of the Tribunal	4
III.	Chambers	5
	A. Seabed Disputes Chamber	5
	B. Special chambers	5
IV.	Meetings of the Tribunal	6
V.	Judicial work of the Tribunal	7
	A. *The M/V "Louisa" Case (Saint Vincent and the Grenadines* v. *Kingdom of Spain)*	7
	B. *The "Arctic Sunrise" Case (Kingdom of the Netherlands* v. *Russian Federation)*	11
	C. *The M/V "Virginia G" Case (Panama/Guinea-Bissau)*	14
	D. *Request for an advisory opinion submitted by the Sub-Regional Fisheries Commission (SRFC)*	18
VI.	Appointment of arbitrators by the President of the Tribunal pursuant to article 3 of annex VII to the Convention	19
VII.	Legal matters	21
	A. Jurisdiction, Rules and judicial procedures of the Tribunal	21
	B. Chambers	21
	C. Recent developments in law of the sea matters	21

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VIII. Committees 22
A. Committee on Budget and Finance 22
B. Committee on Rules and Judicial Practice 22
C. Committee on Staff and Administration 22
D. Committee on Library, Archives and Publications 22
E. Committee on Buildings and Electronic Systems 22
F. Committee on Public Relations 22
IX. Privileges and immunities 23
A. General Agreement 23
B. Headquarters Agreement 23
X. Relations with the United Nations 23
XI. Premises of the Tribunal 24
XII. Finances 24
A. Budgetary matters 24
B. Status of contributions 24
C. Financial Regulations and Rules 25
D. Report of the auditor for 2011-2012 25
E. Trust funds and donations 25
XIII. Administrative matters 26
A. Staff Regulations and Staff Rules 26
B. Staff recruitment 27
C. Staff Pension Committee 27
D. Language classes at the Tribunal 28
E. Internship programme 28
F. Capacity-building and training programme 28
XIV. Buildings and electronic systems 29
A. Requirements for the permanent premises 29
B. Use of the premises and public access 29
XV. Library facilities and archives 29
XVI. Publications 29
XVII. Public relations 29
XVIII. Visits 30
XIX. Regional workshops 30

XX. Summer academy 30

XXI. Public information and website 30

Annexes

I. Information on staff (2013) 31

II. Information on interns (2013) 33

III. Information on Nippon fellows (2013-2014) 34

IV. List of donors to the Library of the International Tribunal for the Law of the Sea (as at 31 December 2013) 37

I. Introduction

1. The present report of the International Tribunal for the Law of the Sea is submitted to the Meeting of States Parties under rule 6, paragraph 3 (d), of the Rules of Procedure for Meetings of States Parties and covers the period from 1 January to 31 December 2013.

2. The Tribunal was established by the 1982 United Nations Convention on the Law of the Sea. It functions in accordance with the relevant provisions of parts XI and XV of the Convention, the Statute of the Tribunal, as contained in annex VI to the Convention, and the Rules of the Tribunal.

II. Organization of the Tribunal

3. The Tribunal is composed of 21 members, elected by the States Parties to the Convention in the manner provided for in article 4 of the Statute.

4. As at 31 December 2013, the composition of the Tribunal was as follows:

Order of precedence	*Country*	*Date of expiry of term of office*
President		
Shunji Yanai	Japan	30 September 2014
Vice-President		
Albertus Jacobus Hoffmann	South Africa	30 September 2014
Judges		
Vicente Marotta Rangel	Brazil	30 September 2017
L. Dolliver M. Nelson	Grenada	30 September 2014
P. Chandrasekhara Rao	India	30 September 2017
Joseph Akl	Lebanon	30 September 2017
Rüdiger Wolfrum	Germany	30 September 2017
Tafsir Malick Ndiaye	Senegal	30 September 2020
José Luis Jesus	Cape Verde	30 September 2017
Jean-Pierre Cot	France	30 September 2020
Anthony Amos Lucky	Trinidad and Tobago	30 September 2020
Stanislaw Michal Pawlak	Poland	30 September 2014
Helmut Türk	Austria	30 September 2014
James Luta Kateka	United Republic of Tanzania	30 September 2014
Zhiguo Gao	China	30 September 2020

Order of precedence	*Country*	*Date of expiry of term of office*
Boualem Bouguetaia	Algeria	30 September 2017
Vladimir Vladimirovich Golitsyn	Russian Federation	30 September 2017
Jin-Hyun Paik	Republic of Korea	30 September 2014
Elsa Kelly	Argentina	30 September 2020
David Joseph Attard	Malta	30 September 2020
Markiyan Z. Kulyk	Ukraine	30 September 2020

5. The Registrar of the Tribunal is Philippe Gautier (Belgium). The Deputy Registrar is Doo-young Kim (Republic of Korea).

III. Chambers

A. Seabed Disputes Chamber

6. In accordance with article 35, paragraph 1, of the Statute, the Seabed Disputes Chamber consists of 11 judges selected by the Tribunal from among its elected members. The members of the Chamber are selected triennially.

7. During the thirty-second session, on 6 October 2011, the Tribunal selected the current members of the Seabed Disputes Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Golitsyn, President; and Judges Marotta Rangel, Nelson, Chandrasekhara Rao, Akl, Wolfrum, Ndiaye, Jesus, Türk, Gao and Bouguetaia, members.

8. The terms of office of the members of the Chamber expire on 30 September 2014.

B. Special chambers

1. Chamber of Summary Procedure

9. The Chamber of Summary Procedure is established in accordance with article 15, paragraph 3, of the Statute and consists of five members and two alternates. In accordance with article 28 of the Rules, the President and the Vice-President of the Tribunal are ex officio members of the Chamber, with the President of the Tribunal serving as President of the Chamber. The Chamber is constituted annually.

10. During the thirty-sixth session of the Tribunal, on 8 October 2013, the Chamber was constituted for the period from 1 October 2013 to 30 September 2014. The members of the Chamber, in order of precedence, are as follows: Judge Yanai, President; Judge Hoffmann, Vice-President; Judges Lucky, Kateka and Golitsyn, members; and Judges Paik and Attard, alternates.

2. Chamber for Fisheries Disputes

11. On 20 February 1997, the Tribunal established the Chamber for Fisheries Disputes in accordance with article 15, paragraph 1, of the Statute.

12. During the thirty-second session, on 4 October 2011, the Tribunal selected the current members of the Chamber for Fisheries Disputes for a three-year term. The composition of the Chamber, in order of precedence, is as follows: Judge Ndiaye, President; and Judges Cot, Pawlak, Kateka, Gao, Paik, Kelly, Attard and Kulyk, members.

13. The terms of office of the members of the Chamber expire on 30 September 2014.

3. Chamber for Marine Environment Disputes

14. On 20 February 1997, the Tribunal established the Chamber for Marine Environment Disputes in accordance with article 15, paragraph 1, of the Statute.

15. During the thirty-second session, on 4 October 2011, the Tribunal selected the current members of the Chamber for Marine Environment Disputes for a three-year term. The composition of the Chamber, in order of precedence, is as follows: Judge Lucky, President; and Judges Wolfrum, Cot, Bouguetaia, Golitsyn, Paik and Kelly, members.

16. The terms of office of the members of the Chamber expire on 30 September 2014.

4. Chamber for Maritime Delimitation Disputes

17. On 16 March 2007, the Tribunal established the Chamber for Maritime Delimitation Disputes in accordance with article 15, paragraph 1, of the Statute.

18. During the thirty-second session, on 4 October 2011, the Tribunal selected the members of the Chamber for Maritime Delimitation Disputes for a three-year term. The composition of the Chamber, in order of precedence, is as follows: Judge Yanai, President; and Judges Nelson, Chandrasekhara Rao, Akl, Wolfrum, Ndiaye, Jesus, Cot, Pawlak, Gao and Bouguetaia, members.

19. The terms of office of the members of the Chamber expire on 30 September 2014.

IV. Meetings of the Tribunal

20. In 2013, judicial meetings of the Tribunal took place as follows:

(a) **Case No. 18 on the list of cases of the Tribunal (Merits):**

The M/V "Louisa" Case (Saint Vincent and the Grenadines v. *Kingdom of Spain)*

The Tribunal met from 26 February to 6 March, from 3 to 8 May, and from 22 to 24 May 2013 to consider and adopt the draft judgment. The Tribunal delivered its judgment on 28 May 2013;

(b) **Case No. 19 on the list of cases of the Tribunal (Merits):**

The M/V "Virginia G" Case (Panama/Guinea-Bissau)

Initial deliberations of the Tribunal were held on 29 and 30 August 2013. The oral proceedings took place from 2 to 6 September and the Tribunal met for deliberations from 13 to 27 September 2013. According to the schedule of proceedings, the judgment in this case will be delivered in the second quarter of 2014;

(c) **Case No. 21 on the list of cases of the Tribunal (Advisory opinion):**

Request for an advisory opinion submitted by the Sub-Regional Fisheries Commission (SRFC)

The Tribunal met on 24 May 2013 to consider and adopt an order.

(d) **Case No. 22 on the list of cases of the Tribunal (Urgent proceedings):**

The "Arctic Sunrise" Case (Kingdom of the Netherlands v. Russian Federation), Provisional Measures

The Tribunal met from 4 November to 21 November 2013 to deal with the urgent proceedings instituted by the Netherlands on 21 October 2013. The Tribunal delivered its order on 22 November 2013.

21. The Tribunal also held two sessions devoted to legal and judicial matters as well as organizational and administrative matters: the thirty-fifth session of the Tribunal was held from 11 to 22 March and the thirty-sixth session from 30 September to 11 October 2013.

22. The Tribunal decided to hold its thirty-seventh session from 10 to 21 March 2014, to deal with legal matters having a bearing on the judicial work of the Tribunal and organizational and administrative matters.

V. Judicial work of the Tribunal

A. *The M/V "Louisa" Case (Saint Vincent and the Grenadines v. Kingdom of Spain)*

23. On 24 November 2010, Saint Vincent and the Grenadines instituted proceedings before the Tribunal against Spain in a dispute concerning the arrest of the M/V *Louisa* (case No. 18 on the list of cases). The application instituting proceedings included a request for the prescription of provisional measures under article 290, paragraph 1, of the Convention. The Tribunal delivered its order on this request on 23 December 2010.

24. On 12 January 2011, the President set time limits for the filing of the memorial by Saint Vincent and the Grenadines and the counter-memorial by Spain. The time limits were extended by a further order, dated 28 April 2011, to 10 June 2011 for the memorial and 10 November 2011 for the counter-memorial. The memorial was filed within the time limit so prescribed.

25. By an order dated 30 September 2011, the Tribunal authorized the submission of a reply by Saint Vincent and the Grenadines and a rejoinder by Spain and fixed 11 December 2011 and 11 February 2012, respectively, for the filing of those pleadings.

26. On 4 November 2011, the President issued an order extending once again the time limits for the submission of pleadings in the case. The time limit for the filing of the counter-memorial was extended to 12 December 2011, and those for the reply and the rejoinder to 10 February and 10 April 2012, respectively. The counter-memorial of Spain, the reply of Saint Vincent and the Grenadines and the rejoinder of Spain were filed within the extended time limits.

27. The hearing took place from 4 to 12 October 2012, during which the Parties presented their oral statements at 13 public sittings. In accordance with article 75, paragraph 2, of the Rules, the parties presented the following final submissions:

On behalf of Saint Vincent and the Grenadines, at the hearing on 11 October 2012:

The Applicant requests the Tribunal to prescribe the following measures:

(a) declare that the Tribunal has jurisdiction over the Request;

(b) declare that the Request is admissible;

(c) declare that the Respondent has violated articles 73 (2) and (4), 87, 226, 227, 300, and 303 of the Convention;

(d) order the Respondent to release the *Gemini III* and return property seized;

(e) declare that the boarding and detention of the M/V *Louisa* and *Gemini III* was unlawful;

(f) declare that the detention of Mario Avella, Alba Avella, Geller Sandor and Szuszky Zsolt was unlawful and abused their human rights in violation of the Convention;

(g) declare that the Respondent denied justice to Mario Avella, Alba Avella, Geller Sandor, Szuszky Zsolt and John B. Foster and abused the property rights of John B. Foster;

(h) order that the Respondent is prohibited from retaliating against the interests of Mario Avella, Alba Avella, Geller Sandor, Szuszky Zsolt, John B. Foster and Sage Maritime Scientific Research, Inc., including the initiation of any procedure requesting the arrest, detention, or prosecution of these individuals or the seizure or forfeiture of their property in domestic Spanish courts;

(i) order that Respondent is prohibited from undertaking any action against the interests of Mario Avella and John B. Foster, including the continued prosecution of these individuals in domestic Spanish courts;

(j) order reparations to individuals in the following amounts, plus interest at the lawful rate:

(1) Mario Avella: €810,000

(2) Alba Avella: €275,000

(3) Geller Sandor: €275,000

(4) Szuszky Zsolt: €275,000

(5) John B. Foster: €1,000

(k) order reparations to Sage Maritime Scientific Research, Inc. in the amount of $4,755,144 (USD) for damages and an additional amount in the range of $3,500,000-$40,000,000 (USD) for lost business opportunities;

(l) order reparations to Saint Vincent and the Grenadines in the amount of €500,000 for costs and damages to its dignity, integrity, and vessel registration business; and

(m) award reasonable attorneys' fees and costs associated with this request as established before the Tribunal, of not less than €500,000.

On behalf of Spain, at the hearing on 12 October 2012:

On the grounds set out in the written pleadings and then elaborated in the course of its oral statements, and on any other grounds, the Kingdom of Spain requests the International Tribunal for the Law of the Sea to adjudge and declare that:

1. the Application submitted by Saint Vincent and the Grenadines is not admissible and must be dismissed;

2. this honourable Tribunal has no jurisdiction in the case;

3. subsidiarily, the Applicant's contention that Spain has breached its obligations under the Convention is not well-founded;

4. consequently, each and all of the requests made by the Applicant must be rejected; and

5. the Applicant be ordered to pay the costs incurred by the Respondent in connection with this case, as determined by the Tribunal, but in an amount no less than US$ 500,000.

28. The Tribunal delivered its judgment in the case on 28 May 2013.

29. The facts of the case may be summarized as follows:

The M/V *Louisa*, a vessel flying the flag of Saint Vincent and the Grenadines was boarded, searched and detained by Spanish authorities on 1 February 2006. According to Spain, the vessel was detained and seized in connection with criminal proceedings and for carrying out "the crime of possession and depositing weapons of war ... together with the continued crime of damaging Spanish historical patrimony". Saint Vincent and the Grenadines maintained that the M/V *Louisa* was conducting surveys of the sea floor with a view to locating oil and gas deposits. Four persons were arrested and detained in Spain in connection with these criminal proceedings. The Spanish authorities also detained a second vessel, the *Gemini III*, which, according to Saint Vincent and the Grenadines, served as a tender for the M/V *Louisa*.

30. A main point of contention between the parties was whether the Tribunal had jurisdiction to entertain the case. On this matter, the Tribunal noted the disagreement

between the parties on the scope of the jurisdiction conferred on it by their declarations made under article 287 of the Convention. It took the view that "in cases where States Parties have made declarations of differing scope under article 287 of the Convention, its jurisdiction exists only to the extent to which the substance of the declarations of the two parties to a dispute coincides" (see para. 81 of the judgment). The Tribunal also observed that jurisdiction was conferred on it only insofar as the dispute was covered by the more limited declaration. In this case, the declaration made by Saint Vincent and the Grenadines was more limited than that of Spain as it referred to disputes "concerning the arrest or detention". The Tribunal considered that the use of the term "concerning" in the declaration of Saint Vincent and the Grenadines indicated that the declaration extended not only to articles expressly containing the word "arrest" or "detention" but to any provision of the Convention having a bearing on the arrest or detention of vessels. It concluded that the declaration of Saint Vincent and the Grenadines was meant to cover all claims connected with the arrest or detention of vessels flying the flag of Saint Vincent and the Grenadines. In relation to the *Gemini III*, the Tribunal found that it was not covered by the declaration of Saint Vincent and the Grenadines and concluded that in respect of this vessel it lacked jurisdiction.

31. The Tribunal further noted the disagreement between the parties on the question of the existence of a dispute between them concerning the interpretation or application of the Convention. In this regard, the Tribunal noted that the case before it had two aspects: one involving the detention of the vessel and the persons connected therewith and the other concerning the treatment of these persons.

32. According to the Tribunal, the first aspect related to the claim originally submitted by Saint Vincent and the Grenadines on the basis of articles 73, 87, 226, 227 and 303 of the Convention. After a careful examination of all provisions invoked, the Tribunal came to the conclusion that none of them could serve as a basis for the claims submitted in respect of the detention of the M/V *Louisa* and its crew. In particular, with regard to article 73 of the Convention, the Tribunal noted that the M/V *Louisa* was not detained "for the reason that the laws and regulations of Spain concerning the living resources in the exclusive economic zone had been violated" (see para. 104 of the judgment). In its view, the detention was made in the context of criminal proceedings relating to alleged violations of Spanish laws on "the protection of the underwater cultural heritage and the possession and handling of weapons of war in Spanish territory" (see para. 104 of the judgment). Concerning article 87 of the Convention, the Tribunal observed that this article deals with the freedom of the high seas, in particular the freedom of navigation and that it was not disputed that the M/V *Louisa* was detained when it was docked in a Spanish port. It concluded that article 87 could not be interpreted "in such a way as to grant the M/V '*Louisa*' a right to leave the port and gain access to the high seas notwithstanding its detention in the context of legal proceedings against it" (see para. 109 of the judgment).

33. As regards the second aspect of the case, concerning the treatment of persons connected with the M/V *Louisa*, the Tribunal observed that this question was introduced by Saint Vincent and the Grenadines on the basis of article 300 of the Convention and only after the closure of the written proceedings. It also noted that this matter had been discussed during the oral proceedings and included in the final submissions of Saint Vincent and the Grenadines. Regarding article 300, the Tribunal found that "it is apparent from the language of article 300 of the

Convention that article 300 cannot be invoked on its own" and that "[i]t becomes relevant only when 'the rights, jurisdiction and freedoms recognised' in the Convention are exercised in an abusive manner" (see para. 137 of the judgment). The Tribunal then considered that reliance on article 300 of the Convention generated a new claim in comparison to the claims presented in the application. In the view of the Tribunal, it is a legal requirement that any new claim to be admitted must arise directly out of the application or be implicit in it. The Tribunal therefore considered that it could not allow a dispute brought before it by an application to be transformed in the course of proceedings into another dispute which is different in character. For this reason, it was of the view that article 300 of the Convention could not serve as a basis for the claims submitted by Saint Vincent and the Grenadines.

34. The Tribunal concluded that no dispute concerning the interpretation or application of the Convention existed between the parties at the time the application was filed. It therefore found that it had no jurisdiction *ratione materiae* to entertain the case. In view of this finding, the Tribunal held that it was not required to consider any of the other objections raised to its jurisdiction or the admissibility of the applicant's claims.

B. *The "Arctic Sunrise" Case (Kingdom of the Netherlands* v. *Russian Federation)*

35. On 21 October 2013, the Netherlands filed a request with the Tribunal for the prescription of provisional measures under article 290, paragraph 5, of the Convention in a dispute concerning the "boarding and detention of the vessel *Arctic Sunrise* in the exclusive economic zone of the Russian Federation and the detention of the persons on board the vessel by the authorities of the Russian Federation". On the same date, a copy of the request was transmitted by the Registrar to the Ambassador of the Russian Federation to Germany, together with a letter addressed to the Minister for Foreign Affairs of the Russian Federation. The case was entered in the Tribunal's list of cases as case No. 22.

36. According to the Netherlands, the vessel *Arctic Sunrise*, flying the flag of the Netherlands, was boarded on 19 September 2013 in the exclusive economic zone (EEZ) of the Russian Federation by Russian authorities, who detained the vessel and the 30 persons on board. The vessel was subsequently towed to the port of Murmansk. On 4 October 2013, the Netherlands instituted arbitral proceedings, under annex VII to the Convention, against the Russian Federation. In the notification instituting arbitral proceedings, which was notified to the Russian Federation on 4 October 2013, the Netherlands requested the Russian Federation "to adopt and implement provisional measures to: (1) immediately enable the 'Arctic Sunrise' to be resupplied, to leave its place of detention and the maritime zones of the Russian Federation, and to exercise the freedom of navigation in said zones; (2) immediately release the crew members, and to allow them to leave the territory and maritime zones of the Russian Federation".

37. Pending the constitution of the arbitral tribunal and after the time limit of two weeks provided for by article 290, paragraph 5, of the Convention, the Netherlands, on 21 October 2013, submitted to the Tribunal a request for the prescription of provisional measures.

38. In a note verbale dated 22 October 2013, received in the Registry on 23 October 2013, the Embassy of the Russian Federation in the Federal Republic of Germany stated:

> Upon the ratification of the Convention on the 26th February 1997 the Russian Federation made a statement, according to which, *inter alia*, "it does not accept procedures provided for in Section 2 of Part XV of the Convention, entailing binding decisions with respect to disputes [...] concerning law-enforcement activities in regard to the exercise of sovereign rights or jurisdiction".
>
> Acting on this basis, the Russian Side has accordingly notified the Kingdom of the Netherlands by note verbale (attached) that it does not accept the arbitration procedure under Annex VII to the Convention initiated by the Netherlands in regard to the case concerning the vessel "*Arctic Sunrise*" and that [it] does not intend to participate in the proceedings of the International Tribunal for the Law of the Sea in respect of the request of the Kingdom of the Netherlands for the prescription of provisional measures under Article 290, Paragraph 5, of the Convention.
>
> Meanwhile the Russian Federation has stressed its readiness to continue to seek a mutually acceptable solution to this situation.

39. Since the Tribunal did not include upon the bench a judge of the nationality of the Netherlands, the Netherlands chose David Anderson to sit as Judge ad hoc in this case pursuant to article 17 of the Statute and article 19 of the Rules.

40. By an order dated 25 October 2013, the President fixed 6 November 2013 as the date for the opening of the hearing.

41. Prior to the opening of the hearing, the Tribunal held initial deliberations on 4 and 5 November 2013.

42. Oral statements were presented at a public sitting held on 6 November 2013. In accordance with article 75, paragraph 2, of the Rules, the Netherlands presented the following final submissions at the hearing on 6 November:

> The Kingdom of the Netherlands requests the International Tribunal for the Law of the Sea with respect to the dispute concerning the '*Arctic Sunrise*'

to declare:

> (a) that the Tribunal has jurisdiction over the request for provisional measures;
>
> (b) the arbitral tribunal to which the dispute is being submitted has *prima facie* jurisdiction;
>
> (c) the claim is supported by fact and law;

to order, by means of provisional measures, the Russian Federation:

> (d) to immediately enable the '*Arctic Sunrise*' to be resupplied, to leave its place of detention and the maritime areas under the jurisdiction of the Russian Federation and to exercise the freedom of navigation;

(e) to immediately release the crew members of the '*Arctic Sunrise*', and allow them to leave the territory and maritime areas under the jurisdiction of the Russian Federation;

(f) to suspend all judicial and administrative proceedings, and refrain from initiating any further proceedings, in connection with the incidents leading to the dispute concerning the '*Arctic Sunrise*', and refrain from taking or enforcing any judicial or administrative measures against the '*Arctic Sunrise*', its crew members, its owners and its operators; and

(g) to ensure that no other action is taken which might aggravate or extend the dispute.

43. The Russian Federation did not participate in the public sitting held on 6 November 2013.

44. The Tribunal delivered its order on 22 November 2013.

45. In the order, in relation to the declaration made by the Russian Federation with respect to law enforcement activities under article 298, paragraph 1 (b), of the Convention, the Tribunal stated that the declaration "*prima facie* applies only to disputes excluded from the jurisdiction of a court or tribunal under article 297, paragraphs 2 and 3, of the Convention" (see para. 45 of the order).

46. Concerning the non-appearance of the Russian Federation, the Tribunal considered that the absence of a party or failure of a party to defend its case does not constitute a bar to the proceedings and does not preclude the Tribunal from prescribing provisional measures, provided that the parties have been given an opportunity of presenting their observations on the subject. The Tribunal noted that the Russian Federation had been given ample opportunity to present its observations but had declined to do so. It then considered that it had to identify and assess the respective rights of the parties involved on the best available evidence.

47. In the order, the Tribunal considered that, in the light of the positions of the Netherlands and the Russian Federation, "a difference of opinions exists as to the applicability of the provisions of the Convention in regard to the rights and obligations of a flag State and a coastal State, notably, its articles 56, 58, 60, 87 and 110", and thus "a dispute appears to exist between these two States concerning the interpretation or application of the Convention" (see para. 68 of the order). According to the Tribunal, these provisions appeared to afford a basis on which the jurisdiction of the arbitral tribunal might be founded. Therefore the Tribunal concluded that the annex VII arbitral tribunal would prima facie have jurisdiction over the dispute. The Tribunal also considered that, under the circumstances of the case, pursuant to article 290, paragraph 5, of the Convention, the urgency of the situation required the prescription by the Tribunal of provisional measures.

48. For these reasons, the Tribunal prescribed, pending a decision by the annex VII arbitral tribunal, the following provisional measures under article 290, paragraph 5, of the Convention:

(a) The Russian Federation shall immediately release the vessel *Arctic Sunrise* and all persons who have been detained, upon the posting of a bond or other financial security by the Netherlands which shall be in the amount of 3,600,000 euros, to be posted with the Russian Federation in the form of a bank guarantee;

(b) Upon the posting of the bond or other financial security referred to above, the Russian Federation shall ensure that the vessel *Arctic Sunrise* and all persons who have been detained are allowed to leave the territory and maritime areas under the jurisdiction of the Russian Federation.

49. The Tribunal further decided that the Netherlands and the Russian Federation each had to submit an initial report not later than 2 December 2013 to the Tribunal, and authorized the President to request such information as he may consider appropriate after that report.

50. Within the prescribed time limit, the Netherlands submitted an initial report on the measures taken. In its report, the Netherlands informed the Tribunal that a bank guarantee had been issued on its behalf and that the Russian Federation had been notified of the issuance of the bank guarantee by a diplomatic note of 2 December 2013.

C. *The M/V "Virginia G" Case (Panama/Guinea-Bissau)*

51. On 4 July 2011, proceedings were instituted before the Tribunal through the notification of a special agreement in a dispute concerning the vessel *Virginia G* (case No. 19 on the list of cases).

52. By an order dated 18 August 2011, the President fixed 4 January 2012 as the time limit for the filing of the memorial by Panama and 21 May 2012 as the time limit for the filing of the counter-memorial by Guinea-Bissau.

53. On 30 September 2011, the Tribunal adopted an order authorizing the submission of a reply by Panama and a rejoinder by Guinea-Bissau and fixing 21 August and 21 November 2012, respectively, for the filing of those pleadings.

54. Subsequently, by an order dated 23 December 2011, the President extended the time limits for the submission of the memorial and the counter-memorial to 23 January 2012 and 11 June 2012, respectively. The memorial and the counter-memorial were duly filed within the extended time-limits.

55. By an order dated 8 August 2012, the President extended the time limits for the filing of the reply and the rejoinder to 28 August 2012 and 28 November 2012, respectively. The reply and the rejoinder were duly filed within the extended time limits.

56. Both Panama and Guinea-Bissau chose judges ad hoc pursuant to article 17 of the Statute and article 19 of the Rules. Tullio Treves was chosen as Judge ad hoc by Panama and José Manuel Sérvulo Correia was chosen as Judge ad hoc by Guinea-Bissau.

57. In its counter-memorial, Guinea-Bissau submitted a counter-claim which Panama, in its reply, requested the Tribunal "to dismiss, reject or otherwise refuse". In addition, Panama requested the Tribunal "to fix an additional date, following the 28 November 2012 deadline for the submission of Guinea Bissau's Rejoinder, by which date Panama may submit final submissions in reply only to the sections of Guinea-Bissau's Rejoinder concerning the counter-claim".

58. On 2 November 2012, the Tribunal adopted an order finding that the counter-claim presented by Guinea-Bissau "satisfies the conditions set forth in" and "is

admissible under article 98, paragraph 1, of the Rules". The Tribunal also authorized "the submission by Panama of an additional pleading relating solely to the counter-claim submitted by Guinea-Bissau" and fixed 21 December 2012 as the time limit for the filing. Panama duly filed the additional pleading within the time limit.

59. By a further order dated 24 April 2013, the Tribunal fixed 2 September 2013 as the date for the opening of the hearing.

60. Prior to the opening of the hearing, the Tribunal held initial deliberations on 29 and 30 August 2013.

61. The hearing took place from 2 to 6 September 2013, during which the Parties presented their oral statements at eight public sittings. In accordance with article 75, paragraph 2, of the Rules, the parties presented the following final submissions on 6 September 2013:

On behalf of Panama:

1. SUBMISSIONS IN RELATION TO THE CLAIM

Panama respectfully requests the International Tribunal to declare, adjudge and order that:

(1) The International Tribunal has full jurisdiction under the Special Agreement and under the Convention to entertain the full claims made on behalf of Panama;

(2) The claims submitted by Panama are admissible;

(3) The claims submitted by Panama are well founded;

(4) The actions taken by Guinea-Bissau, especially those taken on 21 August 2009, against the *Virginia G*, violated Panama's right and that of its vessel to enjoy freedom of navigation and other internationally lawful uses of the sea in terms of article 58(1) of the Convention;

(5) Guinea-Bissau violated article 56(2) of the Convention;

(6) Guinea-Bissau violated article 73(1) of the Convention;

(7) Guinea-Bissau violated article 73(2) of the Convention;

(8) Guinea-Bissau violated article 73(3) of the Convention;

(9) Guinea-Bissau violated article 73(4) of the Convention;

(10) Guinea-Bissau used excessive force in boarding and arresting the *Virginia G*, in violation of the Convention and of international law;

(11) Guinea-Bissau violated the principles of articles 224 and 110 of the Convention;

(12) Guinea-Bissau violated article 225 of the Convention as well as the SUA Convention, as well as the fundamental principles of safety of life at sea and collision prevention;

(13) Guinea-Bissau violated article 300 of the Convention;

(14) Guinea-Bissau is to immediately return the gas oil confiscated on 20 November 2009, of equivalent or better quality, or otherwise to pay adequate compensation;

(15) Guinea-Bissau is to pay in favour of Panama, the *Virginia G*, her owners, crew and all persons and entities with an interest in the vessel's operations, compensation for damages and losses caused as a result of the aforementioned violations, in the amount quantified and claimed by Panama in paragraph 450 of its Reply (p. 84), or in an amount deemed appropriate by the International Tribunal;

(16) As an exception to Point 15, the amount of moral damages requested in paragraph 470 of the Reply as due to Panama for moral damages is withdrawn and replaced by a request for a declaration of "satisfaction"/apology to the attention of the Republic of Panama, for the derogatory and unfounded accusations against the *Virginia G* and her flag State and as regards all aspects of the merits of the *Virginia G* dispute as from 21 August 2009;

(17) Guinea-Bissau is to pay interest on all amounts held by the International Tribunal to be due by Guinea-Bissau;

(18) Guinea-Bissau is to reimburse all costs and expenses incurred by Panama in the preparation of this case, including, without limitation, the costs incurred in this case before the International Tribunal, with interest thereon; or

(19) In the alternative to the previous paragraph 15, Guinea-Bissau is to compensate Panama, the *Virginia G*, her owners, crew (or spouse or dependant in the case of Master Guerrero) charterers and all persons and entities with an interest in the vessel's operations in the form of any other compensation or relief that the international Tribunal deems fit.

2. SUBMISSIONS IN RELATION TO THE COUNTER-CLAIM

Panama respectfully requests the International Tribunal to:

A. Declare, adjudge and order that Guinea-Bissau's objections to the admissibility of Panama's claim are outside the time-limit and/or are brought in bad faith such that they should be dismissed, rejected or otherwise refused;

B. Dismiss, reject or otherwise refuse Guinea-Bissau's counter-claim on the basis that Guinea-Bissau has no legal basis under international law and under the Convention to bring the counter-claim, given the existence of the required links between Panama and the *Virginia G*, or, in the alternative, on the basis that Guinea-Bissau's counter-claim is unfounded in fact and at law, and that the counter-claim is frivolous and vexatious;

C. Dismiss, reject or otherwise refuse each and all of the submissions of Guinea-Bissau, as set out in Chapter IX of Guinea-Bissau's Counter-Memorial, and declare, adjudge and order that:

[-] Panama did not violate article 91 of the Convention;

[-] In connection with Submission B above, Panama is not to pay in favour of Guinea-Bissau compensation for damages and losses as claimed by Guinea-Bissau in its counter-claim as set out in Chapter VII of its Counter-Memorial; and

[-] Panama is not to pay all legal costs and other costs that Guinea-Bissau has incurred in relation to this counter-claim.

D. Declare, adjudge and order that Guinea-Bissau's Decree Law 6-A/2000, as was applied to the *Virginia G* (and as applied in general) in the EEZ of Guinea-Bissau, is a unilateral extension of the scope of the Convention, restricting the freedoms under the Convention, and, in effect, an extension by Guinea-Bissau of a type of tax and/or customs-duty radius, in violation of the Convention.

On behalf of Guinea-Bissau:

I. SUBMISSIONS IN RELATION TO THE CLAIM

For the reasons given in writing and in oral argument, or any of them, or for any other reason that the International Tribunal deems to be relevant, the Government of the Republic of Guinea-Bissau respectfully requests the International Tribunal to adjudge and declare that:

(1) The International Tribunal has no jurisdiction about claims related to the vessel *Iballa G*.

(2) The claims submitted by Panama are inadmissible due to the nationality of *Virginia G*, the absence of a right of diplomatic protection concerning foreigners, or the lacking exhaustion of local remedies, and should therefore be dismissed.

Alternatively that:

(1) The actions of the Republic of Guinea-Bissau did not violate the right of Panama and of the vessels flying her flag to enjoy freedom of navigation and other internationally lawful [uses] of the sea, as set forth in terms of article 58(1) of the Convention.

(2) Guinea-Bissau laws can be applied for the purpose of controlling the bunkering to fishing vessels in the Exclusive Economic Zone.

(3) Guinea-Bissau did not violate article 56(2) of the Convention.

(4) Guinea-Bissau did not violate article 73(1) of the Convention.

(5) Guinea-Bissau did not violate article 73(2) of the Convention.

(6) Guinea-Bissau did not violate article 73(3) of the Convention.

(7) Guinea-Bissau did not violate article 73(4) of the Convention.

(8) Guinea-Bissau has not used excessive force in boarding and arresting the *Virginia G*.

(9) Guinea-Bissau did not violate the principles of articles 224 and 110 of the Convention.

(10) Guinea-Bissau did not violate neither article 225 of the Convention nor the SUA Convention, not even the principles of safety of life at sea and collision prevention.

(11) Guinea-Bissau did not violate article 300 of the Convention.

(12) The Republic of Guinea-Bissau has no obligation to immediately return to Panama the discharged gasoil or to pay any compensation for it.

(13) The Republic of Guinea-Bissau has no obligation to pay in favour of Panama, the *Virginia G*, her owners, crew and any persons or entities with an interest in the vessel's operations any compensation for damages and losses.

(14) The Republic of Guinea-Bissau has no obligation to give apologies to the Republic of Panama.

(15) The Republic of Guinea-Bissau has no obligation to pay any interest.

(16) The Republic of Guinea-Bissau has no obligation to pay costs and expenses incurred by Panama.

(17) The Republic of Guinea-Bissau has no obligation to pay any compensation or relief to Panama, the *Virginia G*, her owners, charterers or any other persons or entities with interest in the vessel's operation.

II. SUBMISSIONS IN RELATION TO THE COUNTER-CLAIM.

The Government of the Republic of Guinea-Bissau respectfully requests the International Tribunal to adjudge and declare that:

A. Panama violated article 91 of the Convention.

B. Panama is to pay in favour of Guinea-Bissau compensation for damages and losses caused as a result of the aforementioned violation, in the amount quantified and claimed by Guinea-Bissau in Paragraph 266 of its Counter-Memorial, or in an amount deemed appropriate by the International Tribunal.

C. Panama is to reimburse all legal and other costs the Republic of Guinea-Bissau has incurred with this case.

62. As at 31 December 2013, the Judgment in the case was expected to be delivered in the second quarter of 2014.

D. *Request for an advisory opinion submitted by the Sub-Regional Fisheries Commission (SRFC)*

63. At its fourteenth session, held on 27 and 28 March 2013, the Conference of Ministers of the Sub-Regional Fisheries Commission adopted a resolution by which it decided, in accordance with article 33 of the Convention on the Determination of the Minimal Conditions for Access and Exploitation of Marine Resources within the Maritime Areas under Jurisdiction of the Member States of the Sub-Regional Fisheries Commission, of 2012, to authorize the Permanent Secretary of the Commission to seize the Tribunal in order to obtain its advisory opinion on the following matters:

(1) What are the obligations of the flag State in cases where illegal, unreported and unregulated (IUU) fishing activities are conducted within the Exclusive Economic Zone of third party States?

(2) To what extent shall the flag State be held liable for IUU fishing activities conducted by vessels sailing under its flag?

(3) Where a fishing license is issued to a vessel within the framework of an international agreement with the flag State or with an international agency, shall the State or international agency be held liable for the violation of the fisheries legislation of the coastal State by the vessel in question?

(4) What are the rights and obligations of the coastal State in ensuring the sustainable management of shared stocks and stocks of common interest, especially the small pelagic species and tuna?

64. The request was received by the Tribunal on 28 March 2013 and entered in the list of cases of the Tribunal as case No. 21.

65. On 24 May 2013, the Tribunal adopted an order and fixed 29 November 2013 as the time limit for the presentation of written statements. The time limit for the submission of written statements was extended to 19 December 2013, by an order of the President dated 3 December 2013.

66. Within this time limit, written statements were filed by the following States parties to the Convention, which are listed in chronological order by date of submission: Saudi Arabia, Germany, New Zealand, China, Somalia, Ireland, the Federated States of Micronesia, Australia, Japan, Portugal, Chile, Argentina, United Kingdom of Great Britain and Northern Ireland, Thailand, the Netherlands, European Union, Cuba, France, Spain, Montenegro, Switzerland and Sri Lanka. Within the same time limit, written statements were also submitted by the following organizations, which are listed in chronological order by date of submission: the Forum Fisheries Agency , the International Union for Conservation of Nature and Natural Resources (IUCN), the Caribbean Regional Fisheries Mechanism, the United Nations, the Sub-Regional Fisheries Commission, the Food and Agriculture Organization of the United Nations and the Central America Fisheries and Aquaculture Organization. A statement by a State not party to the Convention (United States of America) was submitted to the Tribunal. In addition, a statement was submitted by a non-governmental international organization (the World Wide Fund for Nature (WWF)), which was informed by a letter from the President dated 4 December 2013 that its statement would not be considered part of the documentation in the case. All the statements have been posted on the website of the Tribunal.

67. By an order dated 20 December 2013, the President fixed 14 March 2014 as the time limit within which States parties to the Convention and intergovernmental organizations having presented written statements may submit written statements on the statements made.

VI. Appointment of arbitrators by the President of the Tribunal pursuant to article 3 of annex VII to the Convention

68. In accordance with article 3 of annex VII to the Convention, if the parties are unable to agree on the appointment of one or more members of the arbitral tribunal to be designated by common agreement, or on the designation of the president of the arbitral tribunal, the President of the Tribunal shall make the necessary appointment(s) at the request of any party to the dispute and in consultation with the parties.

69. In a letter dated 7 January 2013, the Minister of Foreign Affairs and Worship of Argentina requested the President of the Tribunal to appoint three arbitrators and the president of the arbitral tribunal in the arbitral proceedings instituted under annex VII to the Convention in respect of a dispute between Argentina and Ghana concerning the vessel *ARA Libertad*. The President of the Tribunal held consultations with the Parties on the premises of the Tribunal and, on 4 February 2013, chose Awn Shawkat Al-Khasawneh (Jordan), Bernard Oxman (United States of America) and Bruno Simma (Germany) as arbitrators. The President appointed Bruno Simma as the president of the arbitral tribunal.

70. With regard to the arbitral proceedings under annex VII to the Convention in respect of a dispute between the Philippines and China, by letter dated 22 February 2013 from the Agent and Solicitor General of the Philippines, the Philippines requested the President of the Tribunal to appoint one member of the arbitral tribunal, pursuant to article 3, subparagraphs (c) and (e), of annex VII to the Convention. Further to consultations by correspondence with the Parties, the President of the Tribunal appointed Stanislaw Michal Pawlak (Poland) as arbitrator in the arbitral proceedings. By a further letter dated 25 March 2013 from the Agent and Solicitor General of the Philippines, the President of the Tribunal was requested to appoint three additional arbitrators, including the president of the arbitral tribunal. On 24 April 2013, the President of the Tribunal appointed Jean-Pierre Cot (France), Chris Pinto (Sri Lanka) and Alfred Soons (the Netherlands) as arbitrators. He appointed Mr. Pinto as president of the arbitral tribunal. After Mr. Pinto elected to step down, the President of the Tribunal appointed Thomas Mensah (Ghana) as member and president of the arbitral tribunal on 21 June 2013.

71. With regard to the arbitral proceedings instituted for the settlement of the maritime delimitation dispute between Bangladesh and India, Tullio Treves (Italy) resigned as a member of the arbitral tribunal. By letter dated 3 July 2013, the Deputy Agent of Bangladesh, Rear Admiral Md. Khurshed, asked the President of the Tribunal to appoint a replacement for Mr Treves. Pursuant to article 3 (f), of annex VII to the Convention, on 18 July 2013, the President of the Tribunal, after consultations with the Parties, appointed Jean-Pierre Cot (France) to fill the vacancy. The arbitral tribunal is now composed of Rüdiger Wolfrum (Germany), as president, Thomas Mensah (Ghana), Pemmaraju Sreenivasa Rao (India), Ivan Shearer (Australia) and Jean-Pierre Cot (France).

72. By letter dated 15 November 2013 from the Agent of the Netherlands, the Netherlands requested the President of the Tribunal to appoint one member of the arbitral tribunal pursuant to article 3, subparagraphs (c) and (e), of annex VII to the Convention, in the arbitral proceedings instituted under annex VII in the case between the Netherlands and the Russian Federation concerning the vessel *Arctic Sunrise*. Further to consultations by correspondence with the Parties, on 13 December 2013, the President of the Tribunal appointed Alberto Székely Sánchez (Mexico) as arbitrator.

73. In respect of the arbitral proceedings under annex VII to the Convention instituted by Malta against São Tomé and Príncipe in a dispute concerning the vessel *Duzgit Integrity*, Malta requested the President of the Tribunal, by letter dated 4 December 2013, to appoint one member of the arbitral tribunal, pursuant to article 3, subparagraphs (c) and (e), of annex VII to the Convention. Further to consultations by correspondence with the Parties, on 27 December 2013, the

President of the Tribunal appointed James Luta Kateka (United Republic of Tanzania) as arbitrator.

VII. Legal matters

74. During the period under review, the Tribunal devoted part of its two sessions to the consideration of legal and judicial matters. In this respect, the Tribunal examined various legal issues of relevance to its jurisdiction, its Rules and its judicial procedures. This review was undertaken both by the Tribunal and by its chambers. Some of the main issues considered are noted below.

A. Jurisdiction, Rules and judicial procedures of the Tribunal

Declarations made under articles 287 and 298 of the Convention

75. During the period under review, the Tribunal took note of the information presented by the Registry concerning the status of declarations made under articles 287 and 298 of the Convention.

B. Chambers

1. Matters relating to the Seabed Disputes Chamber

76. During the period under review, the Seabed Disputes Chamber held meetings in which it considered matters falling under its responsibilities, in particular, different scenarios of contentious and advisory cases that may be submitted to the Seabed Disputes Chamber.

2. Matters relating to the Chamber for Fisheries Disputes

77. During the period under review, the Chamber for Fisheries Disputes considered reports prepared by the Registry concerning new developments in relation to the international legal regime of fisheries and fisheries subsidies.

3. Matters relating to the Chamber for Marine Environment Disputes

78. During the period under review, the Chamber for Marine Environment Disputes considered reports prepared by the Registry concerning prompt release of vessels and crews in cases relating to pollution of the marine environment and the amount of security requested in that regard.

C. Recent developments in law of the sea matters

79. During the period under review, the Tribunal considered reports prepared by the Registry concerning recent developments in law of the sea matters.

VIII. Committees

80. During its thirty-sixth session, on 8 October 2013, the Tribunal reconstituted its committees for the period ending 30 September 2014.[1]

A. Committee on Budget and Finance

81. The members of the Committee on Budget and Finance selected on 8 October 2013 are as follows: Judge Akl, Chair; Judges Jesus, Cot, Lucky, Türk, Bouguetaia, Golitsyn and Paik, members.

B. Committee on Rules and Judicial Practice

82. The members of the Committee on Rules and Judicial Practice selected on 8 October 2013 are as follows: President Yanai, Chair; Vice-President Hoffmann; Judges Marotta Rangel, Nelson, Chandrasekhara Rao, Wolfrum, Ndiaye, Cot, Kateka, Gao, Golitsyn (ex officio member as President of the Seabed Disputes Chamber), Kelly and Attard, members.

C. Committee on Staff and Administration

83. The members of the Committee on Staff and Administration selected on 8 October 2013 are as follows: Vice-President Hoffmann, Chair; Judges Wolfrum, Jesus, Gao, Golitsyn, Paik, Kelly and Attard, members.

D. Committee on Library, Archives and Publications

84. The members of the Committee on Library, Archives and Publications selected on 8 October 2013 are as follows: Judge Türk, Chair; Judges Marotta Rangel, Nelson, Wolfrum, Ndiaye, Pawlak, Paik and Kulyk, members.

E. Committee on Buildings and Electronic Systems

85. The members of the Committee on Buildings and Electronic Systems selected on 8 October 2013 are as follows: Judge Gao, Chair; Judges Akl, Wolfrum, Lucky, Kelly, Attard and Kulyk, members.

F. Committee on Public Relations

86. The members of the Committee on Public Relations selected on 8 October 2013 are as follows: Judge Kateka, Chair; Judges Chandrasekhara Rao, Bouguetaia, Paik, Kelly, Attard and Kulyk, members.

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[1] For the terms of reference of the committees, see: SPLOS/27, paras. 37-40; SPLOS/50, paras. 36-37; and SPLOS/136, para. 46.

IX. Privileges and immunities

A. General Agreement

87. The Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea, adopted by the seventh Meeting of States Parties on 23 May 1997, was deposited with the Secretary-General of the United Nations and opened for signature at United Nations Headquarters for 24 months as from 1 July 1997 (see SPLOS/24, para. 27. The Agreement entered into force on 30 December 2001, 30 days after the date of deposit of the tenth instrument of ratification or accession. At the closing date for signature, 21 States had signed the Agreement. As at 31 December 2013, 41 States had ratified or acceded to it.

B. Headquarters Agreement

88. The Headquarters Agreement between the Tribunal and the Government of Germany was signed on 14 December 2004 by the President of the Tribunal and the State Secretary of the Federal Foreign Office of Germany. The Agreement entered into force on 1 May 2007. It defines the legal status of the Tribunal in Germany and regulates the relations between the Tribunal and the host country. It contains provisions on such matters as the law applicable to the headquarters district, the immunity of the Tribunal, its property, assets and funds, and the privileges, immunities and exemptions accorded to the members of the Tribunal and its officials, as well as to Agents representing parties, counsel and advocates, and witnesses and experts who are required to appear before the Tribunal.

X. Relations with the United Nations

89. At the 63rd plenary meeting of the sixty-eighth session of the General Assembly, on 9 December 2013, the President of the Tribunal delivered a statement under agenda item 76 (a), entitled "Oceans and the law of the sea".[2] In his statement, the President reported to the Assembly on the developments which had taken place with respect to the Tribunal since the previous session of the Assembly, in particular, the delivery of the judgment on the merits in the M/V *Louisa* case (Saint Vincent and the Grenadines v. Kingdom of Spain). He also reported that the Tribunal had made two orders on requests for provisional measures: in the *ARA Libertad* case (Argentina v. Ghana) and the *Arctic Sunrise* case (Kingdom of the Netherlands v. Russian Federation). The President further reported on the Tribunal's training activities, including its capacity-building programmes for government officials and researchers on dispute settlement under the Convention, and its internship programme.

[2] The text of the statement is available on the Tribunal's website: http://www.itlos.org or http://www.tidm.org.

XI. Premises of the Tribunal

90. The terms and conditions under which the premises are made available to the Tribunal by Germany are established in the Agreement of 18 October 2000 between the International Tribunal for the Law of the Sea and the Government of the Federal Republic of Germany on the Occupancy and Use of the Premises of the International Tribunal for the Law of the Sea in the Free and Hanseatic City of Hamburg.

91. During the period under review the Registry, in cooperation with the Federal Building Authorities, has made several improvements to the Tribunal's equipment and systems, in particular as concerns the replacement of the microphone system in the courtroom.

XII. Finances

A. Budgetary matters

1. Budget of the Tribunal for 2015-2016

92. During the thirty-sixth session of the Tribunal, the Committee on Budget and Finance gave preliminary consideration to the budget of the Tribunal for the financial period 2015-2016 on the basis of draft proposals submitted by the Registrar.

2. Report on budgetary matters for the financial periods 2011-2012 and 2013-2014

93. At its thirty-fifth session, the Tribunal considered the report presented by the Registrar on budgetary matters for the financial periods 2011-2012 and 2013-2014 (SPLOS/258). The report, which was submitted to the twenty-third Meeting of States Parties for its consideration, included the following: the performance report for 2011-2012; a report on action taken pursuant to the decision concerning budgetary matters taken by the twenty-second Meeting of States Parties (implementation of the decision concerning the budget of the Tribunal for 2013-2014 and surrender of cash surplus for the financial period 2009-2010); and a report on action taken pursuant to the Financial Regulations of the Tribunal (the Tribunal's investments, the Korea International Cooperation Agency (KOICA) trust fund, the Nippon Foundation trust fund, the Trust Fund, the Trust Fund for the Law of the Sea and the China Institute of International Studies trust fund).

3. Cash flow situation

94. At its thirty-fifth and thirty-sixth sessions, the Tribunal took note of the information presented by the Registrar concerning the cash flow situation of the Tribunal.

B. Status of contributions

95. As at 31 December 2013,114 States Parties had made contributions for the year 2013 of the 2013-2014 budget, totalling €10,255,592, while 52 States Parties had not made any payments with respect to their assessed contributions for 2013. The balance of unpaid contributions with respect to the first year of the 2013-2014 budget was €363,968.

96. Furthermore, assessed contributions amounting to €631,057 in respect of the budgets of the Tribunal for the financial periods 1996-1997 to 2011-2012 were still pending as at 31 December 2013.

97. The balance of unpaid contributions with respect to the overall budget of the Tribunal amounted to €995,025 as at 31 December 2013. In July 2013, the Registrar sent the States parties notes verbales concerning their assessed contributions for the year 2014 of the 2013-2014 budget, which also contained information about outstanding contributions to the previous budgets. In December 2013, the Registrar sent notes verbales to the States parties concerned, reminding them of their outstanding contributions to the budgets of the Tribunal.

C. Financial Regulations and Rules

98. The Financial Regulations of the Tribunal, adopted by the thirteenth Meeting of States Parties on 12 June 2003, became effective on 1 January 2004.[3]

99. Pursuant to financial regulation 10.1 (a), the Registrar must establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy. In accordance with this provision the Tribunal, at its seventeenth session, approved the Financial Rules, which were submitted to the fourteenth Meeting of States Parties for its consideration. The Meeting took note of the Financial Rules of the Tribunal, which, according to rule 114.1, became effective on 1 January 2005 (the Financial Regulations and Rules of the Tribunal are contained in document SPLOS/120).

D. Report of the auditor for 2011-2012

100. The results of the audit for the financial period 2011-2012 were presented by the Registrar at the thirty-fifth session of the Tribunal. The Committee on Budget and Finance noted the auditor's opinion that the financial statements for the financial period 2011-2012 had been drawn up in compliance with the Financial Regulations and Rules of the Tribunal and gave a "true and fair view of the [Tribunal's] net assets, financial position and results of operations". The auditor further stated that the accounting principles had been applied on a basis consistent with that of preceding financial periods and that the transactions carried out were in accordance with the Financial Regulations and Rules of the Tribunal and legislative authority. The Tribunal took note of the audit report for 2011-2012 (SPLOS/257) and requested that the report be submitted to the twenty-third Meeting of States Parties. The twenty-third Meeting of States Parties took note of the report of the external auditor (SPLOS/263, para. 27).

E. Trust funds and donations

101. On the basis of resolution 55/7 on "Oceans and the law of the sea" adopted by the General Assembly on 30 October 2000, a voluntary trust fund has been established by the Secretary-General to assist States in connection with disputes to

[3] Financial Regulations, regulation 14.1.

be settled by the Tribunal. According to information provided by the Division for Ocean Affairs and the Law of the Sea of the United Nations Office of Legal Affairs, no contributions to the trust fund were made in 2013 and the financial statements of the trust fund showed a balance of $190,410 as at 31 December 2013.

102. In 2004, the Korea International Cooperation Agency provided a grant to fund the participation of interns from developing countries in the internship programme of the Tribunal. A trust fund was established by the Registrar for this purpose, pursuant to regulation 6.5 of the Financial Regulations of the Tribunal. The fund was closed in 2012.

103. In 2007, the Nippon Foundation provided a grant to fund the participation of fellows in a capacity-building and training programme on dispute settlement under the Convention. A trust fund was established by the Registrar for this purpose, pursuant to regulation 6.5 of the Financial Regulations of the Tribunal.

104. In 2010, pursuant to a decision of the Tribunal at its twenty-eighth session, the Registrar established a new trust fund for the law of the sea, whose terms of reference were adopted by the Tribunal and submitted for consideration to the twentieth Meeting of States Parties. The trust fund is intended to promote human resource development in developing countries in the law of the sea and maritime affairs in general. Contributions made to the trust fund are used to provide applicants from developing countries with financial assistance to enable them to participate in the Tribunal's internship programme and the summer academy. States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, are invited to make voluntary financial or other contributions to the trust fund. Four contributions to the trust fund, in the following amounts, have been made so far: €25,000 in April 2010 by a company from the Republic of Korea operating in Hamburg; and three times the amount of €15,000 by the Korea Maritime Institute, in October 2011, December 2012 and October 2013, respectively.

105. In 2012, the China Institute of International Studies provided a grant to finance training activities of the Tribunal, including regional workshops, and to provide grants to participants from developing countries in the internship programme and the summer academy. A trust fund was established by the Registrar for this purpose, pursuant to regulation 6.5 of the Financial Regulations of the Tribunal.

XIII. Administrative matters

A. Staff Regulations and Staff Rules

106. During the period under review, the Tribunal approved the recommendation of the Committee on Staff and Administration to adopt amendments to the Staff Regulations concerning staff assessment rates. The amendments were intended to ensure compatibility of the Staff Regulations of the Tribunal with the United Nations Common System of Salaries, Allowances and Benefits, pursuant to regulation 12.6 of the Staff Regulations.

107. During the period under review, in the light of the recommendation of the Committee on Staff and Administration, the Tribunal took note of the amendments proposed to the Staff Rules of the Tribunal, inter alia, concerning the basic rights

and obligations of staff, dependency allowance, post adjustment and rental subsidy, temporary appointments, home leave, special leave, sick leave and official travel. Pursuant to regulations 12.2, 12.3 and 12.4 of the Staff Regulations, the amendments to the Staff Rules which were provisional entered into full force and effect on 1 January 2014.

B. Staff recruitment

108. In 2013, the Tribunal recruited staff members for the posts of Senior Legal Officer/Head of Legal Office (P-5), Head of Budget and Finance (P-4) and Associate Archivist (P-2).

109. At the end of 2013, recruitment was in progress with respect to the posts of Legal Officer (P-4) and Associate Administrative Officer (Contributions/Budget) (P-2).

110. A list of the staff members of the Registry as at 31 December 2013 is contained in annex I to the present report.

111. Temporary personnel were recruited to assist the Tribunal during its thirty-fifth and thirty-sixth sessions and during the hearings and deliberations in cases Nos. 18, 19, 21 and 22.

112. The staff of the Registry consists of 37 staff members, of whom 17 are in the Professional and higher categories. The recruitment of staff members in the Professional category, excluding language staff, is subject to the principle of equitable geographical distribution, in accordance with regulation 4.2 of the Staff Regulations. The regulation provides that:

> The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Taking into account the small number of staff in the Registry of the Tribunal, a flexible regional approach has been followed in this regard.

113. The Tribunal has taken steps to ensure that vacancy announcements are disseminated in such a way as to recruit staff on as wide a geographical basis as possible. Information on vacancies is transmitted to the embassies in Berlin of the States parties to the Convention, and to the permanent missions in New York. The information is also posted on the Tribunal's website and published in the press.

114. The Tribunal applies, mutatis mutandis, the recruitment procedures followed by the United Nations. In accordance with these procedures, the principle of geographical distribution does not apply to the recruitment of General Service staff. However, the Tribunal has also made efforts to recruit General Service staff on as wide a geographical basis as possible.

C. Staff Pension Committee

115. Pursuant to the proposal of the Tribunal, the sixteenth Meeting of States Parties decided that a Staff Pension Committee should be established with the

following composition: (a) one member and one alternate member to be chosen by the Meeting; (b) one member and one alternate member to be appointed by the Registrar; and (c) one member and one alternate member to be elected by the staff. Initially, the term of office of members and alternates was two years. The twentieth Meeting of States Parties decided to extend the term of office to three years. The current president of the Committee is Abdoul Aziz Ndiaye (Embassy of Senegal in Berlin).

D. Language classes at the Tribunal

116. English and French classes for Registry staff members were held in 2013.

E. Internship programme

117. The internship programme of the Tribunal was established in 1997. Applicants from developing countries can receive financial assistance in covering the costs incurred by participating in the programme. From 2004 to 2012, this financial assistance was paid from the trust fund established in respect of a grant provided by the Korea International Cooperation Agency. Since 2012, the assistance has been paid from the Trust Fund for the Law of the Sea established by the Tribunal and from the grant from the China Institute of International Studies.

118. As at the end of 2013, a total of 265 interns from 84 States had participated in the programme, with 111 interns benefiting from funding.

119. During 2013, 20 persons from 18 different countries served periods of internship at the Tribunal. A list of participants in the internship programme during 2013 is contained in annex II to the present report.

120. An information sheet and the application form for the programme can be obtained from the Registry or from the Tribunal's website.

F. Capacity-building and training programme

121. In 2013, for the seventh time, a capacity-building and training programme on dispute settlement under the Convention was conducted with the support of the Nippon Foundation. The Nippon Foundation Grant was set up in 2007 to provide capacity-building and training to fellows and assist them in covering the costs incurred by participating in the programme. During the programme, participants attend lectures on topical issues related to the law of the sea and maritime law and training courses on negotiation and delimitation. They also visit institutions working in the areas of law of the sea, maritime law and settlement of disputes (inter alia, the International Court of Justice, the International Hydrographic Organization and the International Maritime Organization). At the same time, participants carry out individual research on selected topics. Information about the programme can be obtained from the Registry or from the Tribunal's website.

122. Nationals of Brazil, Haiti, Indonesia, Lebanon, Philippines, Tunisia and United Republic of Tanzania are participating in the 2013-2014 programme (July 2013-March 2014). A list of fellows is contained in annex III to the present report.

XIV. Buildings and electronic systems

A. Requirements for the permanent premises

123. During the thirty-fifth and thirty-sixth sessions, the Registrar presented reports on building arrangements and the use of the Tribunal's premises, including the use of the villa and other locations on the Tribunal premises. The reports were reviewed by the Committee on Buildings and Electronic Systems with a view to improving the working conditions of the Tribunal.

B. Use of the premises and public access

124. During 2013, the following events were held on the premises of the Tribunal:

- Maritime Talks, organized by the International Foundation for the Law of the Sea, held on 9 March 2013;
- The summer academy, held from 21 July to 16 August 2013.

125. In addition, the premises of the Tribunal were visited by approximately 1,000 people on organized tours in 2013.

XV. Library facilities and archives

126. During the thirty-fifth and thirty-sixth sessions, the Registrar reported on several matters pertaining to the Library, including the collections and an integrated library management system. He also presented reports on the archive collections and databases.

127. A list of donors to the Library is contained in annex IV to the present report.

XVI. Publications

128. The status of the Tribunal's publications was reviewed by the Committee on Library, Archives and Publications during the thirty-fifth and thirty-sixth sessions of the Tribunal.

129. During the period under review, the following volumes were published:

(a) *ITLOS Reports of Judgments, Advisory Opinions and Orders 2012, Vol. 12;*

(b) *ITLOS Pleadings, Minutes of Public Sittings and Documents 2009/2010, Vol. 15.*

XVII. Public relations

130. During the period under review, the Committee on Public Relations gave consideration to a set of measures to provide information on the work of the Tribunal, including the installation of a permanent exhibition on the establishment and work of the Tribunal at the Tribunal's premises, dissemination of information on the Tribunal, and participation by representatives of the Tribunal in international legal meetings.

XVIII. Visits

131. During the period under review, the Tribunal received visitors, in particular, holders of political office, diplomats, members of judicial authorities, senior government officials, researchers, academics and lawyers.

XIX. Regional workshops

132. In the past, the Tribunal has organized a series of workshops on the settlement of disputes related to the law of the sea in different regions of the world. The purpose of the workshops is to provide government experts working on maritime and law of the sea matters with insight into the procedures for the settlement of disputes contained in part XV of the Convention, with special emphasis on the jurisdiction of the Tribunal and the procedural rules applicable to cases before the Tribunal.

133. A workshop was held in Mexico City on 5 and 6 June 2013, organized by the Tribunal, in cooperation with the Government of Mexico. The subject of the workshop was the role of the International Tribunal for the Law of the Sea in the settlement of disputes relating to the law of the sea in the Caribbean region. Representatives from Antigua and Barbuda, Barbados, Belize, Colombia, Costa Rica, Dominica, Dominican Republic, El Salvador, Guatemala, Guyana, Haiti, Jamaica, Mexico, Nicaragua, Panama, and Saint Kitts and Nevis attended the workshop.

XX. Summer academy

134. The International Foundation for the Law of the Sea held the seventh summer academy at Tribunal premises from 21 July to 16 August 2013. The academy focused on the theme "Uses and protection of the sea — legal, economic and natural science perspectives". Thirty-six participants from 33 different countries attended lectures on issues relating to both the law of the sea and maritime law. The lectures were given by Judges of the Tribunal as well as by experts, practitioners, representatives of international organizations and scientists.

XXI. Public information and website

135. The Tribunal publicized its work by means of its website, press releases and briefings by the Registry, and through the distribution of its judgments, orders and publications.

136. The website can be accessed at the following addresses: www.itlos.org and www.tidm.org. The texts of judgments and orders of the Tribunal and verbatim records of hearings are available on the website, together with other information about the Tribunal.

137. In 2013, judges and Registry staff members also delivered lectures and published papers on the work of the Tribunal.

Annex I

Information on staff (2013)

Professional and higher categories

Name	*Title*	*Country of nationality*	*Level of post*	*Level of incumbent*
Philippe Gautier	Registrar	Belgium	ASG	ASG
Doo-young Kim	Deputy Registrar	Republic of Korea	D-2	D-2
James Scharfer	Head of Linguistic Services	France	P-5	P-5
Ximena Hinrichs	Senior Legal Officer/Head of Legal Office	Chile	P-5	P-5
Louis Savadogo	Legal Officer	Burkina Faso	P-4	P-4
Elzbieta Mizerska-Dyba	Head of Library and Archives	Poland	P-4	P-4
Muriel Gross	Translator/Reviser	France	P-4	P-4
Kafui Gaba Kpayedo	Head of Personnel, Building and Security	Togo	P-4	P-4
Vacant	Legal Officer		P-4	
Alfred Gbadoe	Information Technology Officer	Germany	P-3	P-3
Jean-Luc Rostan	Translator (French)	France	P-3	P-3
Matthias Füracker	Legal Officer	Germany	P-3	P-3
Roman Ritter	Head of Budget and Finance	Germany	P-4	P-3
Julia Ritter[a]	Press Officer	United Kingdom of Great Britain and Northern Ireland	P-2	P-2
Yara Saab	Associate Legal Officer	Lebanon	P-2	P-2
Rosa Jimenez Sanchez	Associate Archivist	Spain	P-2	P-2
Vacant	Associate Administrative Officer (Contributions/Budget)		P-2	

[a] The post of Press Officer is occupied 50 per cent by the incumbent of the post, Ms. Ritter. The remaining 50 per cent is currently occupied by Ms. Anja Alsen on the basis of a temporary appointment.

Total posts: 17

General Service

Name	*Title*	*Country of nationality*	*Level of post*	*Level of incumbent*
Antje Vorbeck	Administrative Assistant (Personnel)	Germany	G-7	G-7
Andreas Bothe	Building Coordinator	Germany	G-7	G-7
Anke Egert	Publications/Personal Assistant (Registrar)	Germany	G-7	G-7
Jacqueline Winkelmann	Administrative Assistant (Procurement)	Germany	G-7	G-7
Patrice Mba	Information Systems Assistant	Cameroon	G-7	G-7
Ellen Nas	Personal Assistant (President)	Netherlands	G-6	G-6
Berit Albiez	Linguistic Assistant/Judiciary Support	Germany	G-6	G-6
Svitlana Hartmann-Vereshchak	Finance Assistant	Ukraine	G-6	G-6
Thorsten Naegler	Administrative Assistant (Contributions)	Germany	G-6	G-6
Elizabeth Karanja	Administrative Assistant	Kenya	G-6	G-6
Béatrice Koch	Linguistic Assistant/Judiciary Support	France	G-6	G-6
Gerardine Sadler	Administrative Assistant	Singapore	G-5	G-5
Emma Bartlett	Personnel Assistant	United Kingdom of Great Britain and Northern Ireland	G-5	G-5
Anne-Charlotte Borchert	Personal Assistant (Deputy Registrar)	France	G-5	G-5
Svenja Heim	Library Assistant	Germany	G-5	G-5
Henrik Boeck	Finance Assistant (Accounts Payable)	Denmark	G-5	G-5
Sven Duddek	Senior Security Officer/Building Superintendent	Germany	G-4	G-4
Inga Marzahn	Administrative Assistant	Germany	G-4	G-4
Papagne Aziamble	Administrative Support/Driver	Togo	G-4	G-4
Chuks Ntinugwa	Security Officer/Driver	Germany	G-3	G-3

Total posts: 20

Annex II

Information on interns (2013)

Name	*State*	*Period*
Jonas Attenhofer	Switzerland	August-October
Sophie Cuenot	France	April-June
Nazia Fahreen	Bangladesh	July-September
Mama Eva Fofana	Côte d'Ivoire	April-June
Nino Gagua	Georgia	October-December
Aline Jaeckel	Germany	January-March
Martin Meeus	Belgium	July-September
Georges Landry Ndji	Cameroon	April-June
Siqhamo Yamkela Ntola	South Africa	October-December
Rafael Oliveira Do Prado	Brazil	July-September
Christine Pichel	Mexico	January-March
Putri Arnita Rahmaniar	Indonesia	July-September
Emilia Ramazanova	Russian Federation	October-December
Ilse Thalía Reyes Tadillo	Mexico	October-December
Sanjeet Ruhal	India	April-June
Zaria Stoffman	Canada	May-July
Olga Theodoroglou	Greece	January-March
Tinatin Tsanava	Georgia	January-March
Marika Vilisaar	Estonia	July-September
Lihua Yu	China	October-December

Annex III

Information on Nippon fellows (2013-2014)

Nessrine Ayadi (Tunisia), 28

Ms. Ayadi holds a law degree (*Maitrise en science juridique*) from the University of Jendouba, Tunisia. She also graduated from the University Tunis Manar, where she successfully completed a master's degree in investigation (*Mastère de recherche*). Since February 2012, she has worked as a deputy chief of the Sea Affairs section at the Headquarters of the Tunisian Navy (*Armée de mer tunisienne*), Ministry of Defence. Her task is to administer texts and documentation in general concerning both Maritime Law and Law of the Sea, including maritime delimitation issues. Furthermore she acts as the link between various governmental institutions dealing with public services involving the sea. The title of her proposed research project is "*La délimitation des frontières maritimes Tuniso-Algériennes : un cas particulier d'entente entre deux États*" ["The Delimitation of the maritime boundaries between Tunisia and Algeria: a special instance of entente between two States"]. She was nominated by *Contre Amiral* Mohamed Khammassi, Chief of the Headquarters of the Tunisian Navy.

Celeste Ruth L Cembrano-Mallari (Philippines), 39

Ms. Cembrano-Mallari holds a Master of Laws (LLM) from the University of Fukoka, Japan, as well as a Bachelor of Laws (LLB) from the University of the Philippines, Quezon City. Since 2012 she has worked as a Law Reform Specialist in the University of the Philippines Law Center, University of the Philippines, Quezon City. There, she is responsible for preparing and supervising research activities related to the Institute and particularly to the Law of the Sea. Her institute sponsors several forums on Ocean Affairs, e.g. on the subjects of the Scarborough Shoal and the Tubbataha Reef. Her proposed topic of research is "An analysis on the Philippines' claim to parts of the Spratly Islands in the light of the legal and political developments in the Philippines". She was nominated by Mr. Harry L Roque, Director of the Institute of International Legal Studies, University of the Philippines Law Center.

Gabriela Heckler (Brazil), 29

Ms. Heckler holds a law degree (Bacharel) from the Universidade Regional de Blumenau, Brazil and a post-graduate degree in Procedural Law from the same University. Additionally, she holds a Master in Maritime Law from the Universidade do Vale do Itajaí, Brazil. At present she is engaged in PhD studies at the International Max Planck Research School for Maritime Affairs. Since 2010 she has been a University Lecturer at the Unidade de Ensino Superior Dom Bosco, Law University. Her main fields of law are Law of the Sea, Maritime Law and Environmental Law. Her responsibilities include part-time teaching and learning support; giving practical lectures and seminars to students; and developing courses. She has several publications to her credit, including contributions to books, articles in journals, and annals in congresses. The proposed title of her research project is "Bio-prospection on the High Seas and Deep Seabed in areas beyond national jurisdiction: gaps on legal regime". She was nominated by Prof. Dr. Natalino Salgado Filho, Rector of the

Federal University of Maranhão, as well as Ms. Maria Ceres Rodrigues Murad, Academic Director at the Unidadede Ensino Superior Dom Bosco, Brazil.

Ibrahim Islahiddine (Comoros), 30

Mr. Islahiddine holds a DEUG (*Diplôme d'études universitaires générales*) in international law and a *Maitrise* in international law, both from the University of Legal Sciences, Fes, Morocco. He has worked since 2011 in the Comorian Ministry of Foreign Affairs as Director for Europe and the European Union. As a legal officer in the Ministry of Foreign Affairs, he gives legal advice on all matters related to Public International Law. His proposed research topic concerns the "Delimitation of maritime boundaries". He was nominated by Ambassador Issmail Chanfi, Secretary General of the Ministry of Foreign Affairs.

Malek Mansour (Lebanon), 26

Mr. Mansour holds a licence in law (*Licence*) from St. Joseph University, Beirut, Lebanon, and a DESS (*diplôme d'études supérieures spécialisées*) from the Université Libanaise with a focus on dispute settlement. He is currently completing a Master in International Relations at St Joseph University in Beirut. Since 2012 he has worked for the Lebanese Ministry of Foreign Affairs and Emigrants in the Center of Legal Consultancy, Researches and Documentation. Moreover, since March 2013 he has also been working for the Directorate of International Organization of the same ministry. His main task is to advise and assist the Ministry in legal matters concerning documentation and International Organizations. His proposed research topic is "Challenges and options in resolving Lebanon's maritime Borders Disputes". He was nominated by Ambassador Afif Ayyub, Director of International Organizations, Ministry of Foreign Affairs and Emigrants, Lebanon.

Alma Gadiel Nnko (United Republic of Tanzania), 26

Ms. Nnko holds a Bachelor of Laws from Tumaini University, Arusha, Tanzania, and a Master of Laws (LLM) in International Law from Mzumbe University, Morogoro, Tanzania. In addition, she has undertaken post-graduate studies on dispute settlement at Arcadia University, Arusha, Tanzania. Currently, she is a legal adviser and researcher at the Deep Sea Fishing Authority located in Zanzibar, Tanzania, where she gives legal advice concerning Law of the Sea matters, specifically the environment, fisheries and dispute settlement. She also assists the legal office in the interpretation of legal instruments. Moreover, she gives lectures on the Law of the Sea at the Open University of Tanzania, Arusha. Her proposed research topic is "Critical analysis of the current Legal Framework on the protection of coastal environment (a case study of Tanzania)". Ms. Nnko was nominated by Ms. Wilhelmina Lymio Saria, Director of the Open University of Tanzania, and provided letters of recommendation from Judge James L Kateka, ITLOS, and Mr. Frank Nanyaro, Director General of the Deep Sea Fishing Authority of Tanzania.

Haryo Budi Nugroho (Indonesia), 26

Mr. Nugroho holds a law degree (*Sarjana Hukum*) with focus on Law in International Relations from the Fakultas Hukum Universitas Indonesia. In addition, he holds an LLM from the University of Virginia School of Law, USA, in Oceans

Law and Policy. He is expecting to receive a SJD degree (Doctor in Juridical Sciences) from the University of Virginia School of Law with specialization in Oceans Law and Policy. From 2009 to present, he has been a student researcher at the Center for Oceans Law and Policy at the University of Virginia School of Law. His main task is to support projects relating to the Law of the Sea, in particular the Virginia Commentary on State Practice regarding Dispute Settlement. The proposed title of his research is "South China Sea dispute: solving through ITLOS adjudication procedures and practical arrangements to hold ITLOS session in South East Asia". In the long run, he will return to the Ministry of Foreign Affairs of Indonesia to work in the Directorate General of Legal Affairs and Treaties. He was nominated by Professor Myron Nordquist, Associate Director and Editor of the Center for Oceans Law and Policy, University of Virginia School of Law. Mr. Nugroho provided a letter of recommendation from Prof. Nordquist as well as a request from Mr. Arif Havas Oegroseno, a former directorate officer at the Indonesian Ministry of Foreign Affairs.

Michel Bernard Rosemberg (Haiti), 34

Mr. Rosemberg holds a licence in law (*Licence*) from the Université d'Etat d'Haïti. Since 2012 he has been a legal adviser at the Maritime and Navigation Agency (*Service maritime et de navigation*). His tasks are to give legal advice on matters related to navigation and maritime services in general, and this often includes advice on typical Law of the Sea matters such as the territorial sea, the marine environment and pollution, among others. His proposed research topic is "*La protection du milieu marin*" ["Protection of the marine environment"]. He was nominated by Mr. Frerel Nornil, Director General of the *Service Maritime et de Navigation d'Haiti*.

Annex IV

List of donors to the Library of the International Tribunal for the Law of the Sea (as at 31 December 2013)

Division for Ocean Affairs and the Law of the Sea of the United Nations, New York

Scott B. Edmonds, President, International Mapping, Ellicott City, Maryland, United States of America

John Hare, University of Cape Town, Shipping Law Unit, Cape Town, South Africa

Inter-American Tropical Tuna Commission, La Jolla, California, United States of America

International Seabed Authority, Kingston

Japan Branch of the International Law Association, University of Tokyo, Faculty of Law, Tokyo

Tommy Koh, Agent of Singapore, Ambassador-At-Large of the Republic of Singapore, Singapore

Korea Maritime Institute, Korea Dokdo Research Center, Seoul

Mare, Die Zeitschrift der Meere, Hamburg, Germany

Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht, Heidelberg, Germany

Northwest Atlantic Fisheries Organization, Dartmouth, Nova Scotia, Canada

Rafael Clemente Oliveira do Prado, Sociedade Latino-Americana de Direito Internacional, Brazil

Professora Marta Chantal da Cunha Machado Ribeiro, Porto, Portugal

Stephan Mögle-Stadel, Germany

United Nations Educational, Scientific and Cultural Organization, Intergovernmental Oceanographic Commission, Paris

University of Tokyo, Tokyo

Walther-Schücking-Institut für Internationales Recht an der Universität Kiel, Kiel, Germany

World Trade Organization, Geneva.

Meeting of States Parties

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2 April 2014
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Twenty-fourth Meeting
New York, 9-13 June 2014

Report on budgetary matters for the financial periods 2011-2012 and 2013-2014

Presented by the Registrar of the International Tribunal for the Law of the Sea

I. Surrender of cash surplus for the financial period 2011-2012

A. Introduction

1. In June 2013, the twenty-third Meeting of States Parties took note (see SPLOS/263, para. 27) of the report of the external auditor for the financial period 2011-2012 (SPLOS/257), which had been submitted to the Meeting by the Tribunal. According to the report, the final excess of income over expenditures as at 31 December 2012 amounted to €1,360,733.

2. As explained in the report on budgetary matters for the period 2011-2012 (see SPLOS/258, para. 2), the total expenditure for that period stands at €19,223,375, representing 94.24 per cent of the total appropriation (€20,398,600). It may be noted that the appropriations approved for the financial period 2011-2012 were used to cover expenses relating to the following judicial meetings of the Tribunal:

(a) Case No. 16 (*Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*)

This case was filed on 14 December 2009. The initial deliberations, hearing, deliberations on judgment and reading of the judgment in the case took place during the period September 2011-March 2012; the cost was €2,373,653;

(b) Case No. 18 (*The M/V "Louisa" Case (Saint Vincent and the Grenadines v. Kingdom of Spain)*)

This case was submitted on 24 November 2010. Initial deliberations and the hearing in the case on the merits were held in October 2012; the cost was €916,775;

Please recycle

(c) Case No. 19 (*The M/V "Virginia G" Case (Panama/Guinea-Bissau)*)

In relation to the counter-claim raised by Guinea-Bissau, the Tribunal held deliberations on 2 November 2012. The cost of this meeting amounted to €36,852.

(d) Case No. 20 (*The "ARA Libertad" Case (Argentina v. Ghana), Provisional Measures*)

On 14 November 2012, Argentina submitted to the Tribunal a request for provisional measures. The initial deliberations, hearing, deliberations and reading of the order in the case took place between 28 November and 15 December 2012. The expenditure relating thereto amounted to €504,761.

B. Provisional cash surplus

3. Under regulation 4.4 of the Financial Regulations, the provisional cash surplus is determined by establishing the balance between credits (assessed contributions actually received, miscellaneous income received and additional appropriations) and charges (disbursements against appropriations and provisions for unliquidated obligations). For the financial period 2011-2012, the excess of income over expenditures amounts to €1,360,733, and is calculated as follows (in euros):

Credit	20 584 108
Charges	(19 223 375)
Excess of income over expenditure	**1 360 733**

Pursuant to regulation 4.3 of the Financial Regulations, the amount of unpaid contributions should be deducted from this balance.

4. On this basis, the provisional cash surplus for the 2011-2012 financial period was determined to be €425,207. This amount was based on the audit report on the financial statements of the Tribunal for the period 2011-2012 (see SPLOS/257) and calculated as follows (in euros):

Credit	20 584 108
Charges	(19 223 375)
Cancellation of the 2009-2010 obligations	(108 674)
Unpaid contributions	(826 852)
Provisional cash surplus	**425 207**

C. Cash surplus

5. Under regulation 4.4 of the Financial Regulations, the cash surplus is determined by crediting to the provisional cash surplus any arrears of prior periods' contributions received during the financial period and any savings from the provisions made for unliquidated obligations for the financial period.

6. The cash surplus for the financial period 2011-2012 stood at €879,051 as at 31 December 2013, as follows:

> Provisional cash surplus (€425,207) + arrears of prior periods' contributions received in 2013 (€404,200) + savings from the provisions made from unliquidated obligations (€49,644) = cash surplus to be surrendered to the States parties (€879,051).

7. The cash surplus, as reflected in paragraph 6 above, was reviewed by the auditor on 3 and 4 February 2014. The auditor certified that the cash surplus for the 2011-2012 financial period as at 31 December 2013 amounted to €879,051 (see annex I).

D. Surrender of cash surplus

8. Under regulation 4.5, the cash surplus will be surrendered as follows:

(a) *Apportionment of cash surplus*

The cash surplus, determined as outlined above, will be apportioned among the States parties in proportion to their contributions as determined for the financial period 2011-2012, to which the surplus relates.

(b) *Surrender of cash surplus*

The cash surplus for the financial period 2011-2012 thus apportioned to the States parties will:

(i) Be surrendered to the States parties, provided that their contribution for the financial period 2011-2012 has been paid in full;

(ii) Be applied to liquidate first, in whole or in part, any arrears in contributions.

(c) *Retention of cash surplus apportioned but not surrendered*

Any cash surplus apportioned to the States parties but not surrendered owing to non-payment or partial payment of the contribution for the financial period in question will be retained by the Registrar until such time as the contribution for that financial period is paid in full.

9. In accordance with regulation 4.5 of the Financial Regulations of the Tribunal, the cash surplus of €879,051 for the 2011-2012 financial period has to be surrendered and deducted from the contributions of States parties for 2015 and for earlier periods, where applicable.

10. If the Meeting of States Parties approves the proposal contained in paragraph 45 of the draft budget proposals for 2015-2016 (SPLOS/2014/WP.1), a third urgent case would then be financed through the use of the Working Capital Fund (case-related). In this case, an amount of €753,000 from the cash surplus for the 2011-2012 financial period, corresponding to one urgent case, would be transferred to the Working Capital Fund (case-related). The remaining amount of the cash surplus (€126,051) would be surrendered to States parties in accordance with regulation 4.5 of the Financial Regulations of the Tribunal.

II. Provisional performance report for 2013

11. In June 2012, the twenty-second Meeting of States Parties approved a budgetary amount of €21,239,120 for the financial period 2013-2014 (SPLOS/250, para. 1).

12. Attached as annex II is the performance report for the year 2013, which is provisional since it concerns the first year (2013) of the 2013-2014 budget period.

13. As shown in the provisional performance report for 2013 (see annex II), the total expenditure for that year stands provisionally at €9,696,296, representing 90.36 per cent of the appropriations in the amount of €10,742,633 approved for 2013. The performance can largely be explained by savings amounting to €663,281 under "Case-related costs". This amount will be used to cover expenses relating to those deliberations in Case No. 21, which will take place in 2014. If case-related costs (€2,233,535) were excluded, the performance rate for costs would be 95.12 per cent.

III. Report on action taken pursuant to the Financial Regulations of the Tribunal

A. Investment of funds of the Tribunal

14. In respect of the investment of funds of the Tribunal, regulation 9 of the Financial Regulations of the Tribunal stipulates the following:

> 9.1 The Registrar may make prudent short-term investments of moneys not needed for immediate requirements and shall inform the Tribunal and the Meeting of States Parties periodically of such investments.
>
> [...]
>
> 9.2 Income derived from investments shall be credited to miscellaneous income or as provided in the rules relating to each fund or account.

15. During 2013, the Tribunal's funds were kept in Chase Bank and Deutsche Bank in United States dollars and euros as short-term investments, which are investments made for less than 12 months according to rule 109.1 of the Financial Rules of the Tribunal. The funds yielded interest of €9,245 during 2013. This earned interest has been credited to miscellaneous income in accordance with regulation 9.2 of the Financial Regulations of the Tribunal.

B. Trust fund for the law of the sea

16. At its twenty-eighth session, the Tribunal approved the Registrar's proposal to establish a trust fund for the law of the sea, in accordance with the Financial Regulations of the Tribunal. The Registrar subsequently established a new trust fund for the law of the sea with the Deutsche Bank in Hamburg. The trust fund is intended to promote the advancement of human resources in developing countries in the law of the sea and maritime affairs in general. Contributions made to the trust fund are used to offer financial assistance to applicants from developing countries for participation in the Tribunal's internship programme and the summer academy.

17. The first contribution to the trust fund, in the amount of €25,000, was made in 2010 by Korwind, a Hamburg-based company from the Republic of Korea working in the field of renewable energy. Second, third and fourth contributions of €15,000 each from the Korea Maritime Institute were made in October 2011, December 2012 and October 2013, respectively. Since July 2012 the trust fund has been used to support the Tribunal's internship programme and provide financial assistance to interns from developing countries. As at 31 December 2013, the performance of the trust fund was as follows (in euros):

Contribution	15 000
Expenditure on participants and authorized activity	(15 756)
Bank charges	195
Total	(951)
Reserves from prior periods	39 992
Available balance	**39 041**

C. Nippon Foundation trust fund

18. In March 2007, the Tribunal and the Nippon Foundation signed the Nippon Foundation grant agreement. Pursuant to the agreement, the Nippon Foundation agreed to contribute €200,000 to the Nippon Foundation-International Tribunal for the Law of the Sea Capacity-Building and Training Programme on Dispute Settlement under the United Nations Convention on the Law of the Sea.

19. In accordance with regulation 6.5 of the Financial Regulations of the Tribunal, a trust fund was subsequently established and a special euro bank account named "Nippon Foundation Grant" was set up with Deutsche Bank. The purpose of the grant is to finance the expenses of participants from developing countries in the aforementioned programme.

20. The second contribution of €200,000 was made to the Tribunal on 27 March 2008, and the third in the same amount was made on 27 March 2009. The fourth, fifth, sixth and seventh contributions, in the amount of €230,000 each, were received in March 2010, March 2011, March 2012 and March 2013, respectively. The performance of the Nippon Foundation grant as at 31 December 2013, which is to be reported to the Meeting of States Parties in accordance with regulation 6.5 of the Financial Regulations of the Tribunal, was as follows (in euros):

Contribution	230 000
Expenditure on participants and authorized activity	(221 783)
Bank charges	(397)
Accounts receivable	(2 233)
Loss on exchange	(15)
Prior period reserves	236 308
Available balance	**241 880**

D. China Institute of International Studies trust fund

21. Following the signing of a memorandum of understanding between the Tribunal and the China Institute of International Studies (CIIS) on 3 May 2012, a trust fund, designated as the CIIS grant, was set up to support the Tribunal's internship programme, the summer academy of the International Foundation for the Law of the Sea and other projects, including regional workshops. A contribution from CIIS to the grant in the amount of €100,000 was received on 20 June 2012. The performance of the CIIS grant as at 31 December 2013, which is to be reported to the Meeting of States Parties in accordance with regulation 6.5 of the Financial Regulations of the Tribunal, was as follows (in euros):

Contribution	–
Expenditure on authorized activity	(33 115)
Bank charges	(194)
Accounts receivable	(78)
Reserves	79 005
Available balance	**45 618**

Annex I

Letter dated 21 February 2014 from Ernst & Young GmbH Wirtschaftsprüfungsgesellschaft to the Registrar

Report of factual findings in connection with the cash surplus for the financial period from 1 January 2011 to 31 December 2012 of the International Tribunal for the Law of the Sea

We have carried out the agreed-upon procedures listed below, relating to the cash surplus for the financial period from 1 January 2011 to 31 December 2012 of the International Tribunal for the Law of the Sea (referred to as the "Tribunal" in the following), as agreed in the engagement agreement of 17 February 2014. The results of our work for the Tribunal are summarized in this report of factual findings. The report is intended to support you in your decision-making by documenting our findings.

Our work is based on our engagement agreement dated 17 February 2014 as well as the "General Engagement Terms" for Wirtschaftsprüfer and Wirtschaftsprüfungsgesellschaften issued by the Institut der Wirtschaftsprüfer: Institute of German Public Auditors on 1 January 2002.

We make express reference to the fact that we will not update the report to reflect events or circumstances arising after it is signed unless required to do so by law.

Our engagement was performed in accordance with the International Standard on Related Services 4400 "Engagements to Perform Agreed-Upon Procedures Regarding Financial Information". The review procedures and the resulting factual findings, which only assist you in complying with the Financial Regulations and Rules of the Tribunal for the financial period 2011-2012 were as follows:

1. With respect to the provisional cash surplus for the period 1 January 2011 to 31 December 2012, we have reconciled the following to the financial statements audited by BDO Wirtschaftsprüfungsgesellschaft according to the auditor's report issued on 15 February 2013:

- The "final excess of income over expenditure 2011-2012" amounting to €1,360,733 to the statement of income, expenditures and changes in reserve and fund balances;
- The "cancellation of the 2009-2010 obligations surrendered with the 2009-2010 cash surplus" amounting to €108,674 to the statement of income, expenditures and changes in reserve and fund balances;
- The "contributions receivable from States parties with respect to 2011-2012" amounting to €826,852 to the status of 1996-2012 contributions to the Tribunal.
- We found that:
- The "final excess of income over expenditure 2011-2012" disclosed as €1,360,733 corresponds to the statement of income, expenditures and changes in reserve and fund balances;

- The "cancellation of the 2009-2010 obligations surrendered with the 2009-2010 cash surplus" disclosed as €108,674 corresponds to the statement of income, expenditures and changes in reserve and fund balances;
- The "contributions receivable from State Parties with respect to 2011-2012" disclosed as €826,852 corresponds to the status of 1996-2012 contributions to the Tribunal.

2. We have recalculated the sum of "provisional cash surplus 2011-2012" amounting to €425,207.

We found that:

The disclosed sum is calculated adequately.

3. We have reconciled with a sample size the prior periods' contributions received in the period from 1 January to 31 December 2013 to the respective bank documents.

We found that:

All investigated contributions were received in 2013.

4. Also, we have reconciled with a sample size savings from the provisions made in the financial statements of the Tribunal for the period 1 January 2011 to 31 December 2012 for unliquidated obligations disclosed in the cash surplus established by the Tribunal to respective audit evidence.

We found that:

All investigated savings were made in 2013.

5. We have recalculated the sum of "cash surplus 2011-2012" amounting to €879,051.

We found that:

The disclosed sum is calculated adequately.

Our services do not affect the responsibility of the Tribunal's legal representatives to ensure the accuracy and completeness of the information given in the cash surplus for the financial period from 1 January 2011 to 31 December 2012 of the Tribunal.

Since the aforementioned agreed-upon procedures do not constitute an audit, the continuation of a concluded audit, or a review, we cannot issue an opinion on the disclosures made, nor do we report on issues which we might have identified in the course of an audit or review. This report refers only to the items named in this letter, not to the underlying financial statements.

(*Signed*) Stefanie **Kreninger**
Wirtschaftsprüferin
(German Public Auditor)

(*Signed*) ppa.Annett **Schnitger**
Wirtschaftsprüferin
(German Public Auditor)

Appendix I: Cash surplus

Appendix II: General Engagement Terms

Appendix III: Special Engagement Terms

Appendix I

International Tribunal for the Law of the Sea: cash surplus for the financial period 2011-2012

Provisional cash surplus, 31 December 2012

Final excess of income over expenditure 2011-2012	1 360 733
Cancellation of the 2009-2010 obligations surrendered with 2009-2010 cash surplus	(108 674)
Contributions receivable from States parties with respect to 2011-2012	(826 852)
Provisional cash surplus 2011-2012	**425 207**

Cash surplus, 31 December 2013

Prior periods' contributions received in 2013	404 200
Savings from 2011-2012 obligations	49 644
Cash surplus 2011-2012, 31 December 2013	**879 051**

Appendix II

General engagement terms for Wirtschaftsprüfer and Wirtschaftsprüfungsgesellschaften [German Public Auditors and Public Audit Firms] as of 1 January 2002

[For the text of appendix II, see SPLOS/242, annex I, appendix II]

Appendix III*

Special Engagement Terms for Assurance and Related Services of *Ernst & Young GmbH* Wirtschaftsprüfungsgesellschaft as of 1 May 2013

Preamble

These engagement terms of Ernst & Young GmbH Wirtschaftsprüfungsgesellschaft with registered offices in Stuttgart ("EY GmbH") supplement and specify the General Engagement Terms for Wirtschaftsprüfer and Wirtschaftsprüfungsgesellschaften [German Public Auditors and Public Audit Firms] as issued by the Institute of Public Auditors in Germany ["Institut der Wirtschaftsprüfer e.V.": IDW] on 1 January 2002 and take precedence over the latter. They are subordinate to any engagement agreement. The engagement agreement together with all enclosures constitutes the "Entire Engagement Terms".

A. Supplementary provisions for audits of financial statements in accordance with Sec. 317 HGB ["Handelsgesetzbuch": German Commercial Code] and substantially comparable audits in accordance with international standards on auditing and for voluntary audits of financial statements

EY GmbH will conduct the audit in accordance with Sec. 317 HGB and German generally accepted standards for the audit of financial statements promulgated by the IDW. As such, EY GmbH will plan and design the audit in accordance with professional standards such that misstatements materially affecting the financial statements to be audited according to the engagement agreement ("financial statements") and any accompanying management report ("management report") are detected with reasonable assurance.

EY GmbH will perform all procedures that it deems necessary under the circumstances to judge in what form the opinion stipulated by Sec. 322 HGB can be rendered on the financial statements and management report. EY GmbH will report on the audit of the financial statements and management report as is customary in German professional practice. The basis of our audit methodology, which is risk and process oriented, is the development of an audit strategy. This strategy is based on the assessment of the economic and legal environment of the company, its goals, strategies and business risks. In order to determine the nature, timing and scope of audit procedures, EY GmbH will review and evaluate the system of internal accounting controls to the extent that it deems necessary, in particular where it serves to ensure proper accounting. As is customary, EY GmbH will conduct audit procedures on a test basis; this entails an unavoidable risk that even material misstatements may not be discovered in an audit performed according to professional standards. Therefore, the audit will not necessarily detect any incidences of fraud or other irregularities. EY GmbH points out that an audit is not designed to detect any incidences of fraud or other irregularities which do not affect the compliance of the financial statements and management report with the

* This is an English translation of the German text, which is the sole authoritative version.

applicable financial reporting framework. Any such matters detected by EY GmbH in the course of the audit will, however, be brought to the attention of EY GmbH's client ("Client") immediately.

The above statements on audit objectives and methods apply by analogy to audits of financial statements which are performed in accordance with international standards on auditing and which are substantially comparable in terms of subject and scope.

It is the responsibility of the Client's management to correct material errors in the financial statements and, if applicable, in the management report, and to confirm in a letter of representation submitted to us that the effects of any uncorrected errors that we find in the course of the current engagement and that relate to the last reporting period are immaterial — both individually and in their entirety — for the financial statements as a whole and any management report.

B. Engagement

In the course of the engagement and to protect the economic interests of the Client, documents of legal relevance that are directly associated with the Client may be made available to EY GmbH. EY GmbH emphasizes that it assumes no obligation to provide legal advice or a legal review and that this engagement does not include general legal advice; accordingly, the Client should submit any standard wording made available by EY GmbH in connection with the performance of the engagement to its own legal counsel for a conclusive legal review.

The Client is responsible for all management decisions relating to the services performed by EY GmbH and the use of the work product and for determining whether the services performed by EY GmbH are appropriate for the Client's own internal purposes.

C. Access to information

The Client's management is responsible for ensuring that EY GmbH has unrestricted access to the records, documents and other information necessary for the engagement. The same applies to the presentation of any additional information (e.g., annual report, findings concerning the declaration of compliance in accordance with Sec. 161 AktG ["Aktiengesetz": German Stock Corporation Act]) published by the Client together with the financial statements and any accompanying management report. The Client shall provide such information in good time before the audit opinion is issued or as soon as it becomes available. The information provided to EY GmbH by the Client or on behalf of the Client ("Client Information") shall be complete.

D. Involvement of EY Firms and third parties

EY GmbH may subcontract portions of the services to other members of the global network of Ernst & Young firms ("EY Firms"), as well as to other service providers, who may deal with the Client directly. Nevertheless, EY GmbH alone will be responsible to Client for the work product relating to the engagement, the

performance of the services and any other obligations under the engagement agreement. Thus the Client may not make a contractual claim or bring proceedings arising from the provision of the services or otherwise based on the engagement agreement against any other EY Firm or EY GmbH's or its subcontractors, members, shareholders, directors, officers, partners, principals or employees ("EY Persons"). The Client shall make any contractual claim or bring such proceedings only against EY GmbH.

E. Oral information

The Client is aware that oral information may be prone to misunderstandings. Should the Client intend to base any decision or other business plans on information and/or advice given orally to the Client by EY GmbH, the Client is obliged (a) to inform EY GmbH in good time before such decision and request that it confirm in writing the Client's understanding of such information and/or advice, or (b) in acknowledgment of the above risk of such oral information and/or advice, to make such decision based on its own judgment and on its own responsibility. Oral statements and information beyond the scope of the engagement are always non-binding.

F. Draft versions issued by EY GmbH

The Client may not rely on any draft versions of any work product (which are non-binding), but only on final written versions. Draft versions of the work product only serve EY GmbH's internal purposes of and/or the coordination with the Client and, therefore, only constitute preliminary stages of a work product, are neither final nor binding and are subject to further review. EY GmbH shall not be required to update any final work product for circumstances of which EY GmbH becomes aware, or events occurring, after the cut-off date indicated in the work product or, in absence of such date, the delivery date of its work product, unless otherwise agreed or EY GmbH is obliged to do so with regard to the services provided.

G. Indemnification

The Client shall indemnify EY GmbH against all claims by third parties (including affiliates) and resulting liabilities, losses, damages, costs and expenses (including reasonable external legal costs) arising out of the third party's use of or reliance on any work product disclosed to it by or through the Client or at the Client's request. The Client shall have no obligation hereunder to the extent that EY GmbH has specifically authorized, in writing, the third party's reliance on the work product.

H. Electronic mail (e-mail)

The parties may use electronic media to correspond or transmit information. The parties acknowledge that sending information and documents in electronic form (in particular by e-mail) entails risks (e.g., unauthorized access by third parties).

No changes may be made to any documents sent by EY GmbH electronically and no documents may be distributed electronically to third parties without the prior written approval of EY GmbH.

I. Data protection

EY GmbH, other EY Firms, EY Persons and third parties acting on behalf of EY GmbH may collect, use, transfer, store or otherwise process (collectively "Process") Client Information that can be linked to specific individuals ("Personal Data") in various jurisdictions in which EY GmbH and any of them operate (office locations of EY Firms are listed at www.ey.com) for purposes related to the provision of the services, to comply with regulatory requirements, to check conflicts, for quality, risk management or financial accounting purposes and/or for the provision of other administrative — and IT — support services. EY GmbH will Process the Personal Data in accordance with applicable law and professional regulations, including (without limitation) the BDSG ["Bundesdatenschutzgesetz": German Federal Data Protection Act]. EY GmbH will require any service provider that Processes Personal Data on EY GmbH's behalf to adhere to such requirements.

J. Letter of representation

The letter of representation requested by EY GmbH from management may include confirmation that the effects of uncorrected misstatements on the financial statements and the accompanying management report, as summarized in an enclosure to the representation letter, are immaterial, both individually and in their entirety.

K. Scope of application

The provisions contained in the Entire Engagement Terms — including the provision relative to liability — shall also apply to all other future work for the Client unless separate arrangements are made relative to such engagements or they are covered by general agreements, or German or foreign legal or official requirements that are binding for EY GmbH conflict with individual provisions in the Client's favour.

The services of EY GmbH are governed exclusively by the terms and conditions set forth in the Entire Engagement Terms; no other terms and conditions are part of the contractual agreement unless the Client has expressly and specifically agreed otherwise with EY GmbH in writing. The Client's general terms and conditions of purchase shall not apply even if reference is made to such terms and conditions in automated purchase orders and EY GmbH does not expressly object or EY GmbH begins rendering the services without reservation.

L. Applicable law/court of competent jurisdiction

The engagement shall be governed by the professional principles developed and adopted by the authoritative German professional organizations

(Wirtschaftsprüferkammer, Institut der Wirtschaftsprüfer e.V., Steuerberaterkammer) to the extent applicable to the engagement

Reciprocal claims arising from this engagement shall be subject to German law.

Any dispute relating to the engagement or the services shall be subject to the exclusive jurisdiction of the courts of Stuttgart, Germany, or, at EY GmbH's discretion, (i) the court located where the EY GmbH office that conducted the main part of the work is registered or (ii) the courts located where the Client is registered.

Annex II

Provisional performance report for 2013 as at 31 December 2013 (in euros)

Part / Section		Objects of expenditure	2013-2014 approved budget	2013 expenditure (as at 31.12.2013)	2013 unliquidated obligations (as at 31.12.2013)	2013 total expenditure (as at 31.12.2013)	Balance	Total expenditure/ approved budget (percentage)	
I	A	**Recurrent expenditure**							
1	1	**Judges**	5 228 000	2 545 555	2 410 124	0	2 410 124	135 431	1
		Annual allowances	3 013 400	1 506 700	1 499 490	0	1 499 490	7 210	99.52 2
		Special allowances	909 600	454 800	381 552	0	381 552	73 248	83.89 3
		Travel to session	282 500	141 250	103 578	0	103 578	37 672	73.33 4
		Judges' pension scheme	880 700	412 930	416 815	0	416 815	(3 885)	100.94 5
		Common costs	141 800	29 875	8 689	0	8 689	21 186	29.08 6
									7
2	2	**Staff costs**	7 130 000	3 518 862	3 317 104	8 274	3 325 378	193 484	8
		Established posts	4 664 200	2 303 427	2 306 203	0	2 306 203	(2 776)	100.12 9
		Common staff costs	2 045 000	1 010 811	862 139		862 139	148 672	85.29 10
		Overtime	29 400	14 700	10 175	798	10 973	3 727	74.65 11
		Temporary assistance for meetings	207 200	97 824	66 208	0	66 208	31 616	67.68 12
		General temporary assistance	113 100	56 550	41 597	4 440	46 037	10 513	81.41 13
		Training	71 100	35 550	30 782	3 036	33 818	1 732	95.13 14
	3	**Representation allowance**	11 300	5 650	5 746		5 746	(96)	101.70 15
	4	**Official travel**	180 300	90 150	64 649	15 310	79 959	10 191	88.70 16
	5	**Hospitality**	13 900	6 950	6 931	0	6 931	19	99.73 17
	6	**Operating expenditures**	2 898 500	1 448 450	1 210 126	211 004	1 421 130	27 320	18
		Maintenance of premises (including security)	2 165 600	1 076 800	916 880	158 327	1 075 207	1 593	19
		Rental and maintenance of equipment	361 400	180 700	152 346	22 781	175 127	5 573	99.85 20
		Communications	197 200	98 600	73 863	10 382	84 245	14 355	96.92 21
		Miscellaneous services and charges (including bank charges)	40 000	20 000	19 351	0	19 351	549	85.44 22
		Supplies and materials	123 900	61 950	47 686	9 114	56 800	5 150	96.76 23
		Special services (external audit)	10 400	10 400	0	10 400	10 400	0	91.69 24
									100.00 25

	Part / Section	Objects of expenditure	2013-2014 approved budget	2013 expenditure 2013 (as at 31 12 2013)	2013 unliquidated obligations (as at 31 12 2013)	2013 total expenditure (as at 31 12 2013)	Balance	Total expenditure/ approved budget (percentage)	
26	7	**Library and related costs**	316 000	158 000	127 282	28 219	155 501	2 499	26
27		Library — procurement of books and publications	236 000	118 000	115 000	2 977	117 977	23	99.98 27
28		External printing and binding	80 000	40 000	12 282	25 242	37 524	2 476	93.81 28
29									29
30	B	**Non-recurrent expenditure**							30
31	8	Furniture and equipment							31
32		Purchase of equipment	154 800	77 400	27 404	46 173	73 577	3 823	95.06 32
33									33
34	C	**Case-related costs**	5 306 320	2 896 816	2 210 245	23 290	2 233 535	663 281	77.10 34
35	10	**Judges**	3 982 130	2 148 705	1 680 830	473	1 681 303	467 402	78.25 35
36		Special allowances	3 180 990	1 743 537	1 488 565	0	1 488 565	254 972	85.38 36
37		Compensation to judges ad hoc	294 210	123 153	82 318	0	82 318	40 835	66.84 37
38		Travel to meetings including judges ad hoc	506 930	282 015	109 947	473	110 420	171 595	39.15 38
39	11	**Staff costs**	1 324 190	748 111	529 415	22 817	552 232	195 879	73.82 39
40		Temporary assistance for meetings	1 261 940	716 986	507 352	22 817	530 169	186 817	73.94 40
41		Overtime	62 250	31 125	22 063	0	22 063	9 062	70.89 41
42	12	**Miscellaneous**	0	0	0		0	0	42
43									43
44	D	**Working capital fund**	0	0	0		0	0	44
45									45
46		**Total**	**21 239 120**	**10 747 833**	**9 379 611**	**332 270**	**9 711 881**	**1 035 952**	**90.36 46**

Meeting of States Parties

Distr.: General
1 April 2014

Original: English

Twenty-fourth meeting
New York, 9-13 June 2014

Election of one member of the Commission on the Limits of the Continental Shelf

Note by the Secretary-General

1. In accordance with article 2, paragraph 2, of annex II to the United Nations Convention on the Law of the Sea, the Secretary-General addressed a communication dated 27 February 2014 to States parties to the Convention informing them of a vacancy in the Commission on the Limits of the Continental Shelf owing to the resignation of Mr. Rajan Sivaramakrishnan (India) on 23 February 2014.

2. It is recalled that rule 72 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4) provides that if the office of a member of the Commission becomes vacant, the Meeting of States Parties shall, in accordance with rule 71, elect a member for the remainder of the predecessor's term. Rule 71 provides that the elections of the members of the Commission shall take place in accordance with article 76 and annex II to the Convention.

3. In addition, pursuant to rule 8 (by-elections) of the rules of procedure of the Commission (CLCS/40/Rev.1), if a member of the Commission dies or resigns or for any other cause can no longer perform his or her duties, the Meeting of States Parties to the Convention shall elect a member for the remainder of the predecessor's term. Such by-elections shall be carried out in accordance with article 76 and annex II to the Convention.

4. Article 2, paragraph 3, of annex II to the Convention provides that elections of the members of the Commission shall be held at a meeting of States parties convened by the Secretary-General at United Nations Headquarters.

5. In his communication dated 27 February 2014, the Secretary-General informed States parties that the election of one member of the Commission would be included in the provisional agenda of the twenty-fourth Meeting of States Parties, to be held at United Nations Headquarters from 9 to 13 June 2014 (see SPLOS/L.73).

6. In addition, States parties were invited to submit, from 3 March to 2 June 2014, nominations for the election of one member of the Commission, together with a statement of qualifications.

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7. It is recalled that article 2, paragraph 1, of annex II to the Convention provides that the members of the Commission shall be experts in the field of geology, geophysics or hydrography.

8. Furthermore, attention is drawn to article 2, paragraph 5, of annex II to the Convention, which stipulates that the State party that submitted the nomination of a member of the Commission shall defray the expenses of that member while in performance of Commission duties.

9. Article 2, paragraph 3, of annex II to the Convention provides that not less than three members of the Commission shall be elected from each geographical region. In that connection, it is recalled that the nineteenth Meeting of States Parties, held in June 2009, approved the arrangement for the allocation of seats on the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf (see SPLOS/203, paras. 96-102). According to the arrangement, as set out in document SPLOS/201, the allocation of seats on the Commission shall be in accordance with the relevant provisions of the Convention, providing that no regional group will have fewer than three seats. From the next election, the Commission shall have the following composition: five members from the Group of African States; five members from the Group of Asian States; three members from the Group of Eastern European States; four members from the Group of Latin American and Caribbean States; three members from the Group of Western European and other States; and the remaining one member from among the Group of African States, the Group of Asian States and the Group of Western European and other States. This arrangement does not prejudice or affect future arrangements for elections. It is noted that the vacancy in the Commission occurred owing to the resignation of a member elected from the Group of Asian States.

10. A list of all the persons nominated will be prepared by the Secretary-General in accordance with article 2, paragraph 2, of annex II to the Convention following the closure of the period of nominations on 2 June 2014. It will be circulated to States parties thereafter. The curricula vitae of the candidates will also be circulated in advance of the Meeting.

11. Subject to agreement at the Meeting, in accordance with established practice, the election would be held by secret ballot. In accordance with annex II to the Convention, two thirds of the States parties shall constitute a quorum. The person elected to the Commission shall be the one who has obtained a two-thirds majority of the votes of the representatives of the States parties present and voting. The member of the Commission thus elected will serve for the remainder of the predecessor's term and will be eligible for re-election.

12. In order to ensure the efficient conduct of the election, the credentials of representatives attending the meeting should be transmitted to the Secretariat as soon as possible and no later than 6 June 2014. It is recalled that rule 13, paragraph 2, of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4), provides that the credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs or any person authorized by either of them.

13. In that connection, attention is drawn to the understanding reached at the twenty-third Meeting of States Parties (see SPLOS/263, para. 101), according to which, in keeping with rule 1 of the Rules of Procedure, Meetings of States Parties can be adjourned and resumed as required and would terminate when the next

Meeting of States Parties is convened. Therefore, it is expected that the credentials will be valid for the period from 9 to 13 June 2014 and, to the extent practicable, also thereafter, until the convening of the twenty-fifth Meeting of States Parties.

United Nations Convention on the Law of the Sea SPLOS/270

Meeting of States Parties

Distr.: General
14 April 2014

Original: English

Twenty-fourth Meeting
New York, 9-13 June 2014

Letter dated 14 April 2014 from the Chair of the Commission on the Limits of the Continental Shelf addressed to the President of the twenty-fourth Meeting of States Parties

1. I wish to inform you, in my capacity as Chair of the Commission, about the progress of work of the Commission on the Limits of the Continental Shelf since the twenty-third Meeting of States Parties, held in June 2013.

2. I wish to recall that, since June 2013, the Commission held its thirty-second, thirty-third and thirty-fourth sessions at United Nations Headquarters, from 15 July to 30 August 2013, from 7 October to 22 November 2013 without plenary meetings, and from 27 January to 14 March 2014, respectively. The present letter contains the main developments in the progress of work of the Commission during those sessions. Additional details are included in the Statements by the Chair on the progress in the work of the Commission contained in documents CLCS/80, CLCS/81 and CLCS/83.

Establishment of new subcommissions

3. The Commission has continued considering submissions as queued in the order in which they were received.

4. During the three sessions held since the twenty-third Meeting of States Parties, overall, the Commission decided to establish subcommissions for consideration of the submissions made by Pakistan; Norway, in respect of Bouvetøya and Dronning Maud Land; South Africa, in respect of the mainland of the territory of the Republic of South Africa; Federated States of Micronesia, Papua New Guinea and the Solomon Islands concerning the Ontong Java Plateau; France and South Africa in the area of the Crozet Archipelago and Prince Edward Islands; and Mauritius in the region of Rodrigues Island.

5. With respect to other submissions next in line for consideration as queued in the order in which they were received, the Commission recalled the decisions taken at earlier sessions to defer their further consideration and that of relevant communications, until such time as those submissions were next in line for

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consideration.[1] The Commission noted that for these submissions there had been no developments to indicate that consent existed on the part of all States concerned which would allow for their consideration, and decided to defer further the establishment of a subcommission. Overall, this applied to the submissions made by Myanmar; Yemen; the United Kingdom of Great Britain and Northern Ireland, in respect of the Hatton Rockall Area; Ireland, in respect of Hatton-Rockall Area; Fiji; and Malaysia and Viet Nam in the southern part of the South China Sea.

6. With regard to the submission made by Kenya, the Commission recalled the decision taken at its twenty-fourth session to revert to the consideration of the submission at the plenary level at the time when the submission was next in line for consideration.[2] In this connection, the Commission took note of the communications received since the twenty-fourth session, namely the communication from Kenya, dated 29 October 2013, and two communications from Somalia, dated 10 October 2009 and 4 February 2014. In the light of the two latter communications, the Commission determined that, notwithstanding its decision taken at its twenty-fourth session that the submission would be addressed by way of a subcommission to be established at a future session,[2] the Commission was not in a position to proceed with the establishment of a subcommission at that time. The Commission took this decision in order to take into consideration any further developments that might occur throughout the intervening period during which States may wish to take advantage of the avenues available to them, including provisional arrangements of a practical nature provided for in annex I to its rules of procedure (CLCS/40/Rev.1).

7. With regard to all the submissions for which the establishment of a subcommission was deferred to a future session, the Commission decided that, since those submissions remained next in line for consideration, it would review the situation at the time of establishment of its next subcommission (see also CLCS/76, paras. 22-24).

Consideration of submissions and adoption of recommendations

8. During the three sessions held since the twenty-third Meeting of States Parties, the Commission heard presentations on the partial revised submission made by the Russian Federation, in respect of the Okhotsk Sea; the submission by Pakistan; the joint submission by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands; the submission by France in respect of La Réunion Island and Saint-Paul and Amsterdam Islands; the joint submission of Tuvalu, France and New Zealand (Tokelau) in respect of the area of the Robbie Ridge; the submission by China in respect of part of the East China Sea; the submission by Kiribati; the partial submission by the Republic of Korea; the submission by Nicaragua with respect to the south-western part of the Caribbean Sea, and the submission made by the Federated States of Micronesia in respect of the Eauripik Rise.

9. During those sessions, the Commission and its subcommissions considered the submissions made by the Russian Federation in respect of the Okhotsk Sea; Uruguay; the Cook Islands in respect of the Manihiki Plateau; Argentina; Ghana; Iceland in respect of the Ægir Basin area and the western and southern parts of

[1] See CLCS/64, para. 92.

[2] See CLCS/64, para. 97.

Reykjanes Ridge; Denmark in respect of the area north of the Faroe Islands; Pakistan; Norway in respect of Bouvetøya and Dronning Maud Land; and South Africa in respect of the mainland of the territory of the Republic of South Africa.

10. During the reporting period, the Commission adopted recommendations with respect to the partial revised submission made by the Russian Federation in respect of the Sea of Okhotsk and the partial submission by Denmark in respect of the area north of the Faroe Islands. It also commenced its consideration of recommendations with respect to the partial submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge and the submission made by Ghana. It decided to defer further consideration of these recommendations to the thirty-fifth session, in accordance with rule 53, paragraph 1, of the rules of procedure.

11. Finally, the Commission took note of the new submissions made by Denmark, in respect of the North-Eastern Continental Shelf of Greenland, on 26 November 2013; by Angola on 6 December 2013; by Canada, in respect of the Atlantic Ocean, on 6 December 2013; and by the Bahamas on 6 February 2014. The presentation of these submissions will be included in the agenda of the thirty-fifth session of the Commission.

Conditions of service of the Commission

12. At its thirty-second session, the Commission welcomed the establishment by the twenty-third Meeting of States Parties of the open-ended working group on the conditions of service of the members of the Commission (see SPLOS/259, para. 26, and SPLOS/263, sect. VI.B). At the same session, a meeting was held between the Bureau of the Commission[3] and the coordinators of the open-ended working group, Tomas H. Heidar (Iceland) and James Ndiragu Waweru (Kenya). During the meeting, the Chair of the ad hoc working group appointed by the Commission to address issues relating to its workload (see CLCS/76, para. 17), Galo Carrera, delivered a presentation.

13. In his presentation, Mr. Carrera outlined the history of interactions between the Commission and the Meeting of States Parties and described the current workload and the conditions of service of the members of the Commission. He emphasized that the Commission considered that the open-ended working group should not restrict itself to the issue of medical and dental insurance coverage for members and, in that regard, that a distinction should not be made between members of the Commission from developing and developed States. In addition, it was noted in the presentation that the obligation of States parties to defray the expenses of nominated experts, as provided in article 2, paragraph 5, of annex II to the United Nations Convention on the Law of the Sea ("the Convention"), was interpreted differently by States parties and that, therefore, the financial assistance received by the members of the Commission varied significantly, depending on the interpretation.

14. In response to the request of the coordinators of the open-ended working group for additional information, the Commission conducted an internal survey of the working conditions of its members. Having reviewed the results of the survey, it requested that they be transmitted by the Chair to the coordinators and to the

[3] The Bureau is composed of the Chair of the Commission and the four Vice-Chairs (see CLCS/76, paras. 7 and 9).

Meeting of States Parties (see annex). In that regard, the Commission emphasized that the results of the survey could not reflect issues related to the conditions of service of former members of the Commission. The results were also impacted by the fact that several of the members of the Commission had served for only a limited time. The Commission agreed that one of its members would make a presentation on the results of the survey to the open-ended working group. The presentation was made at a meeting of the open-ended working group held on 4 October 2013.

15. During the thirty-fourth session, the Commission took note of relevant parts of General Assembly resolution 68/70, in particular those concerning the obligation under the Convention of States whose experts are serving on the Commission, to defray the expenses of the experts they have nominated while they are performing Commission duties, and provide medical coverage for them. In this connection, the Commission also noted that the interpretation of nominating States as to the breadth and scope of those expenses varied considerably, particularly as it concerned their medical coverage. The Commission also recalled that, in the past, the Meeting of States Parties had adopted decisions to overcome potential obstacles to the efficient implementation of the Convention (e.g., SPLOS/72, decision (a), and SPLOS/183, para. 1).

16. On the margins of the thirty-fourth session of the Commission, an informal meeting was held between the coordinators of the open-ended working group established by the Meeting of States Parties on the conditions of service of the Commission and the Bureau of the Commission.

17. At the same session, having reiterated its long-standing views as reflected in the history of exchanges held between the Commission and the Meeting of States Parties most recently summarized in the presentations made by the Commission on 5 April 2011, 26 February 2013 and 4 October 2013 on this issue, the Commission underscored that, as a matter of urgency, the full list of issues related to the conditions of service, namely, health insurance for all members, attendance, financial considerations, and working conditions, should be addressed. These issues represent ongoing concerns affecting the working capacity and well-being of all members. In this connection, the Commission emphasized that the impact of these issues had increased in the recent years as a result of the fact that members of the Commission had been working under considerable pressure, having accepted the request made by the Meeting of States Parties to the Convention in document SPLOS/229 and decided to meet for 21 weeks per year.

18. In addition, the Commission also underscored that each of the above-mentioned challenges applied to all members, regardless of whether they had been nominated by developing or developed States.

19. The Commission also reiterated its view that the Division should continue to be provided with all the necessary resources, including technical services, equipment and material, to assist the Commission with the substantially increased workload. In addition, the Commission noted that, currently, plenary meetings with full translation and interpretation services could not be scheduled with respect to the sessions of the Commission held in October and November. This resulted in delays in the consideration of submissions by the full Commission and the adoption of recommendations, among other negative effects.

20. At its thirtieth session the Commission had decided to hold, during 2013, three sessions of seven weeks each, including plenary meetings, for a total of 21 weeks of meetings of the Commission and its subcommissions. In addition, the Commission decided to adopt a new working arrangement for its subcommissions, and established four new subcommissions, so that six subcommissions would actively consider submissions. At that same session, the Commission decided to keep those working arrangements under review (see CLCS/76, para. 16). At its thirty-second session, the Commission decided that, also in 2014, it would meet for 21 weeks. At its thirty-fourth session, it further increased its workload by deciding to establish new subcommissions, bringing to nine the total number of active subcommissions.

21. When the working arrangements of the Commission come under review, the Commission will necessarily also take into account the conditions of service of its members, as well as the measures taken by the Meeting of States Parties to address the whole range of issues relating to the workload of the Commission.

Attendance of members

22. I have been requested by the Commission, in accordance with rule 7, paragraph 4, of the rules of procedure, to bring the issue of the extended absence of two members of the Commission, namely Messrs. George Jaoshvili and Sivaramakrishnan Rajan, to the attention of the Meeting of States Parties.

23. In this regard, I wish to note that Mr. Jaoshvili did not attend the thirty-second and thirty-third sessions, and attended only one of the seven weeks of the thirty-fourth session. Mr. Rajan did not attend the thirty-second, thirty-third and thirty-fourth sessions. In this regard, however, I wish to recall that, through a communication dated 19 February 2014, Mr. Rajan resigned from his position as member of the Commission.

24. I wish to emphasize that extended absences have a direct adverse impact on the discharge of the Commission's functions provided for in article 3 of annex II to the Convention. They also increase the workload of other members who have to substitute for absent colleagues. In addition, prolonged absences interfere with the required quorum within the subcommissions to which the absent member has been appointed. Lastly, prolonged absences hamper the effectiveness of Commission members who have also been appointed officers of the Commission or its subsidiary bodies.

25. For this reason, at the thirty-second session, the Commission determined that the absent members were no longer in a position to act as officers of the Commission and of its relevant subsidiary bodies. In that regard, it unanimously decided to apply rule 15 of the rules of procedure and to proceed, as appropriate, with their replacement. Among such replacements, after consultations, the Commission elected Ivan F. Glumov as Vice-Chair of the Commission to replace the absent Vice-Chair.

26. At the thirty-fourth session, the Commission took note of the information provided by the Chair about a meeting with the Permanent Representative of a nominating State. At that meeting, the Permanent Representative was apprised of the fact that the member nominated by that State had been unable to participate fully in the work of the Commission owing to an alleged lack of financial support and about the repercussions of such an absence on the work of the Commission.

Other matters

27. At its thirty-fourth session, the Commission observed that communications had been received from certain States concerning submissions, with a request to restrict the circulation of these communications to the members of the Commission. In this regard, the Commission noted the general interest of Member States of the United Nations, as well as States Parties to the Convention, in the transparency in the work of the Commission, and decided, except in relation to communications from submitting States transmitting confidential data and information, to encourage States not to restrict the circulation of their communications only to the members of the Commission to the extent possible.

28. I would like to reiterate, on behalf of all members of the Commission, our gratitude to the Meeting of States Parties for its continued support of our work. In particular, I wish to thank the Governments of China, Costa Rica, Iceland, Ireland, Japan, Mexico and the Republic of Korea for their contributions to the Trust Fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission. I would like to appeal to other States to contribute to this Fund, with a view to enabling the Commission to continue tackling its challenging workload in a sustainable manner and with the participation of all its members. In this connection, I would like to emphasize the importance of the Trust Fund in the light of the new working arrangements adopted by the Commission after consideration of the request of the Meeting of States Parties. Without a sustained flow of contributions, the Trust Fund will not be able to assist eligible members in the context of 21 weeks of meetings per year on the part of the Commission and its subcommissions.

29. On behalf of the Commission, I would also like to express gratitude to the Division for Ocean Affairs and the Law of the Sea for the high standard of secretariat services it renders to the Commission.

30. I would like to request that the present letter be circulated as a document of the twenty-fourth Meeting of States Parties.

(*Signed*) Lawrence Folajimi **Awosika**
Chair of the Commission on the Limits of the Continental Shelf

Annex

Survey for the information of the Coordinators of the Open-ended Working Group on the Conditions of Service of the Members of the Commission on the Limits of the Continental Shelf

Summary

1. During its thirty-second session, the Commission on the Limits of the Continental Shelf conducted an internal survey on the conditions of service of its members. The survey was prepared in response to a request from the Coordinators of the Open-ended Working Group on the Conditions of Service of the Members of the Commission on the Limits of the Continental Shelf for additional information, including with regard to medical and dental insurance coverage for members of the Commission.

2. The survey was conducted in the form of a questionnaire that was completed by 19 individual members of the Commission (two members did not attend the thirty-second session). The present report summarizes the results of the survey, including the general comments made by individual members.

3. The Commission noted that the results of the survey reflect only the experience of the current members of the Commission and could not reflect issues related to the conditions of service of former members of the Commission. In addition, the results were impacted by the fact that the majority of the current members of the Commission have only served for a limited time; only five Commission members have served for 16 years. Furthermore, the survey does not attempt to predict the future needs of the members of the Commission for medical or dental assistance.

4. In terms of current composition, it is important to note that the average age of actual members of the Commission is over 60. The average age of members during the present five-year term of office (ending in June 2017) is close to 63. It is clear that attending meetings in New York for almost two and one-half years during a five-year period represents, for this particular age group, a significant health risk, compounded by the fact that Commission members are placed in a situation of important responsibility and associated stress.

Provision of medical insurance and sufficiency of coverage

5. With regard to medical insurance coverage, eight members indicated that their State party provided them with medical insurance coverage for the performance of their duties at United Nations Headquarters in New York. Among that group, two members indicated that the coverage was sufficient to address their medical expenses, five members responded that the coverage was not sufficient and one member did not respond. One member clarified that his insurance plan was capped at approximately $150,000 per year, which was sufficient for routine medical expenses but not for serious accidents or illnesses.

6. Eleven members indicated that their nominating State party did not provide them with medical insurance coverage. Nine of those members indicated that they

had purchased insurance coverage at their own expense for current or past sessions at an estimated cost of 100 to 2,250 United States dollars. All of those members also responded that they considered the coverage to be insufficient to address all medical expenses that may occur in the performance of their duties with the Commission.

7. With regard to medical needs, 7 out of 17 members responded that they needed medical assistance while in the performance of their duties at United Nations Headquarters. Of those, five indicated that they incurred out-of-pocket costs for which they did not receive any reimbursement, such as costs for medical treatment or to travel back to their home country. The range of out-of-pocket costs specified was between $500 and $50,000. One member indicated that reimbursement was being processed, while another member stated that he could not afford to arrange an appointment with a doctor.

8. A total of 6 out of 18 members indicated that they had faced health or medical issues while in the performance of duties in New York that they had been unable to address owing to lack of medical insurance. These issues included chronic high blood pressure, diabetes and eye problems.

9. In terms of general comments, some members described restrictions or conditions associated with their insurance coverage, such as being required to obtain approval before receiving any treatment, or the need to request reimbursement after paying for treatment up front. One member described a life-threatening medical issue that he was unable to treat in New York, owing to the lack of medical insurance coverage. Another member indicated that, since insurance was to be provided by his nominating State, he did not have medical insurance for most of the thirty-third session of the Commission and the coverage was limited to emergencies and repatriation. That member suggested that centralized insurance coverage could be synchronized with the work schedule of the Commission and the time spent in New York.

10. One member recalled the tragic death of a member of the Commission during a session of the Commission and asserted that, since that incident, the issue of health insurance and medical coverage for Commission members had not improved. This member noted that the total costs of medical care in the case of the deceased Commission member was over $400,000 dollars, which was eventually covered jointly by social insurance and the travel insurance company, but only after causing great distress to the late member's wife who was considering the need to sell their house to address these costs.

11. Some members expressed concern that, by attending Commission sessions in New York without proper insurance coverage, their personal well-being was being put at risk, and they stressed that the conditions of service had worsened now that the Commission sessions had increased to 21 weeks. The members expressed frustration at not being eligible to receive insurance coverage through the United Nations employees' health insurance or the plan for permanent mission staff and at the fact that members of the Commission did not have the same status as the members of the International Tribunal for the Law of the Sea or the members of certain organs of the International Seabed Authority.

12. One member suggested that all future nominees to the Commission should make proper insurance coverage a condition of their nomination. It was also

suggested that the costs for developing States to provide insurance coverage for members of the Commission should be covered by the trust fund.

Provision of dental insurance and sufficiency of coverage

13. With regard to dental insurance coverage, three members stated that their State party provided them with dental insurance coverage for the performance of their duties at United Nations Headquarters. Two of these members indicated that the coverage was sufficient to address all dental expenses that may occur while in the performance of these duties.

14. In comparison, 16 members indicated that their nominating State party did not provide them with dental insurance coverage. Of the 16 members, 2 stated that they had purchased dental insurance coverage at their own expense for current or past sessions, which was restricted to emergency or accidental situations, and/or was part of their medical insurance coverage and was not considered to be sufficient. Thirteen members indicated that they had not purchased any dental coverage at their own expense for current or past sessions, while one member responded that he already had comprehensive insurance coverage.

15. With regard to dental needs, 3 out of 17 members responded that they needed dental assistance while in the performance of their duties at United Nations Headquarters and incurred out-of-pocket costs, such as for dental treatment or for travel back to their home country, for which they did not receive any reimbursement. The out-of-pocket costs specified ranged from $100 to over $10,000.

16. Four out of 19 members indicated that they had faced dental issues while in the performance of their duties in New York that they were unable to solve due to lack of dental insurance, including regular inspection and maintenance, and a problem with a filling. One member indicated that he could not afford to see a dentist when he needed dental assistance.

17. In terms of general comments, one member described restrictions or conditions associated with his insurance coverage, such as being required to obtain approval before receiving any treatment, or needing to request reimbursement after paying for treatment up front. Another member explained that he could not find any reasonably-priced dental or medical insurance that covered dental treatment for travellers and that the only way to receive treatment was to go back to his home country. A third member indicated that he was simply not in a position to afford dental insurance coverage because it was not considered part of general health insurance.

Loss of income or benefits owing to attendance at sessions of the Commission on the Limits of the Continental Shelf

18. Fourteen out of 18 members indicated that their attendance at sessions of the Commission in New York had caused them loss of income or loss of benefits. Seven of these members indicated that such loss of income or benefits had an adverse impact on their ability to effectively perform their duties in the Commission. One member qualified that his attendance could potentially cause loss of income or benefits but had not done so thus far, while another stated that he experienced only an indirect loss of income.

19. In terms of general comments, some members provided additional details on how their participation in the Commission caused them loss of income or loss of benefits, including loss of bonuses and holiday time. One member indicated that his annual income depended on documented time sheets and that his salary was expected to be lower because he spent over 40 per cent of the year in New York. Another member explained that long absences in New York affected his income, including bonuses and promotions, as well as benefits, since his benefits package depended on job classification, nature of employment and number of hours worked. A third member noted that, since his retirement, he received no salary from his Government for his service as a member of the Commission. In addition, he was unable to apply for certain jobs in the private sector that required a minimum number of hours of teaching. This member described his role as a member of the Commission as one of duty rather than salary.

20. Some members also described how their chances of career progression and promotion were affected due to extended periods of absence spent in New York. One member indicated that the long sessions in New York, together with additional preparatory work for upcoming sessions of the Commission, had led to job stagnation at lower pay levels and thus, loss of income. He also explained how being in New York for long periods of time put him at a disadvantage in terms of being aware of, and applying for, new jobs in his home country.

21. In terms of possible solutions, one member suggested that the existing trust fund should compensate members for loss of income. Another member indicated that any nominating State Party should be obligated to cover all potential losses of income.

Impact on career development due to attendance at sessions of the Commission on the Limits of the Continental Shelf

22. Ten out of 15 members indicated that their attendance at sessions of the Commission had an adverse impact on their career development, including in terms of job promotion, competency and skill-building, attendance at scientific meetings and research projects and publication of academic papers. One member explained that his participation in the Commission affected his ability to engage in other duties, including as a chair of various committees in government and in the private sector. Another member indicated that being extensively involved in the work of the Commission did not allow him to develop a specialization. This member also noted restrictions on Commission members in terms of the ability to publish findings of the Commission or their experiences as a Commission member. A third member suggested that the time spent with the Commission should be considered important and should qualify members in terms of their eligibility for promotions.

23. One new member indicated that his institute continued to pay his salary while he was in New York and that it had expressed dissatisfaction due to his extended periods of absence. This member indicated that, after only one year, he had already experienced a negative impact from his participation as a member of the Commission, as he had not been accepted for a promotion due to his extended absences. He explained that he remained very concerned about future career opportunities and salary increases and noted that he may need to resign before the end of his term due to the financial consequences.

Adequacy of facilities and office space for performance of duties

24. Of 16 members, 8 indicated that the existing office space and amenities provided at the Division for Ocean Affairs and the Law of the Sea impacted their ability to perform their duties effectively, in particular, due to lack of privacy and lack of space for personal belongings. Some members stressed the need for dedicated individual office space to consider issues and to perform their work efficiently. Members noted the difficulties of working only in shared meeting space, which was inadequate for certain individual tasks, such as drafting, research and the review of scientific literature.

25. One member noted that he was provided with extra office space at the Permanent Mission to the United Nations of the nominating State, but, for reasons of security, he was unable to use his own computer, and so the arrangement was not useful. This member also noted difficulties in having enough time to complete his other work duties owing to the demands of the work of the Commission.

26. Some members also noted the need for practical amenities, such as access to telephones. One member suggested that it would be useful to have access to lockers to keep computers, bags and other materials for safekeeping. Another member noted difficulties arising from the long hours spent in relatively small meeting rooms with artificial lighting and loud noise levels. One member suggested that it would be useful for the coordinators to visit the Geographic Information System (GIS) Laboratories where the subcommissions conduct their work to get a better understanding of the current conditions of the facilities and office space faced by the members of the Commission.

Other issues

27. With regard to other issues, most respondents cited the issue of family visits, in particular, the need for individual members to pay the full expenses of visits by family members. Some members described their difficulty or inability to pay for visits from family members. The relatively high costs of living in New York were noted in this regard. One member indicated that the members of the Commission were required to make New York their second home, but without the benefits received by United Nations staff members. Another member noted that the support of a family member was important for his ability to attend sessions of the Commission. A third member explained that he experienced embarrassment and disappointment for not being able to obtain a visa for his son to visit him in the United States.

28. One member indicated that his Government's travel regulations covered the costs of airfare, accommodation and meals for the person on mission only and, therefore, all costs associated with family visits were incurred by him personally, including the costs to rent a bigger apartment in New York. This member noted that he spent more than $12,000 for two ten-day family visits. Members also noted the high costs associated with travelling to their home countries to attend private occasions, such as children's birthdays, graduations or wedding anniversaries, which had to be paid out-of-pocket.

29. One member described financial losses associated with the high cost of living for extended periods in New York, including the payment of high taxes. This

member wondered whether it was possible for members of the Commission to benefit from tax exemptions.

30. More generally, members stressed the great personal sacrifice involved in attended the sessions in New York each year for 21 weeks, which impacted their private and professional lives and for which they received very little recognition or compensation. One member described in detail the issue of workload as it related to the conditions of service of the Commission and noted the hard work and long hours, which were greater than what was imagined by States parties, as well as the stress associated with the serious nature of the duties of members of the Commission.